EDUCATIONAL IMPACTS OF DISCIPLINE POLICIES ON CHICANO STUDENTS IN UTAH: A MIXED-METHOD CRITICAL RACE THEORY AND LATCRIT ANALYSIS

by

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ABSTRACT

For many years public school discipline policies have been critiqued for their disproportionate racial/ethnic distribution. This study examines zero tolerance discipline policies including suspensions, expulsions, and related practices in two Utah school districts. This research expands on previous research by focusing on the impact discipline policies have on Chicano students and their college readiness. Using a mixed method approach combining hierarchical linear modeling and interviews framed by critical race theory, this study substantiates and contextualizes the findings that Chicano students have a lower college attendance rate than their White counterparts in Utah and by contrast their representation is disproportionately high in state juvenile justice detention centers.

This study is dedicated to all the *Guerrilleros* who don't get their chance to shine.

I wrote this to honor my *hermano,* Joe, my *primo,* Mario, *Guero*, and especially Gonzo.

Primo, *tu memoria vivira por siempre*.

TABLE OF CONTENTS

LIST OF TABLES

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PREFACE

Study Inspiration

While I was preparing to enter middle school, found by researchers to be a key academic time for college preparation, my younger brother (then in second grade) was placed into special education. Researchers have found that a disproportionate number of students of color are placed in special education, which inhibits college-going preparation. My brother later was pushed out of school, but he made his way back into the educational system and later become an honor student in regular classes in a high school in the Job Corps. My brother is a Chicano who early on was re-routed in elementary school. That shift made all the difference in the opportunities for employment and higher education that he has had access or no access to. His story is not a new story; it has been seen before him and is seen today.

When I was in middle school, my peer-aged cousins were both suspended from the school we all attended, and they never returned. Beyond family (we grew up together), we were best friends. They were suspended for different reasons, one for fighting and the other for disrupting class. They were 11 and 12 years old, respectively. They too are Chicanos. Shortly after, and through my high school experience, I began to notice that many of my friends (mostly male and Chicano) frequently were suspended, both on-campus and off-campus, until they no longer returned. Many of them later became entangled with drugs, went to prison, or are now dead. Their stories are not new

As I entered college and adjusted to the experience of being away from family for the first time, stumbling as I learned about the college environment and studying long hours to keep up, one of my cousins who had been suspended in middle school and never returned was incarcerated. He remained incarcerated until I began writing this dissertation, for a total of 12 years. Recently released, he is now returning to school to get his GED. My other cousin, who was also pushed out of school during middle school, began a downward spiral into drugs shortly after being kicked out of school. He was in and out of jail, and he was recently murdered. His story is not a new story.

These parallels are not an attempt to seek applause for my efforts and glorify my accomplishments, much less to compare myself to them. I would not share these intimate family experiences to disrespect or shame my family in any way. To the contrary, it is my family members who have carried me through my own journey with their *educación*, wisdom, *dichos*, strength, laughter, and resilience. This personal experience merits mention, because the educational experiences of Chicanos deserve to claim space in academia. My brother and cousins were my motivation and encouragement to pursue graduate school and to study this particular phenomenon. Furthermore, many other Chicano youth have and continue to experience exclusion, marginalization, and criminalization -often in schools.

I say these are not new stories deliberately. My family members are not the only ones excluded through educational practices and policies, as I have learned in this study of school disciplinary policies and practices. Exclusion of students of color is a growing trend that is closely related to the growing rates of incarcerated youth of color. These trends are impacting males of color overwhelmingly and figures have reached alarming rates. I have witnessed the long-term impacts that affected my family members and by

extension myself; and I write this with the hope of increasing awareness to prevent other lives being impacted this way.

As Chicana/o migration reaches new geographical regions that are not accustomed to serving and teaching Chicana/o students, it will become increasingly important to understand the educational histories, contexts, experiences, and patterns that affect the Chicana/o educational pipeline. The risk of not doing so is to continue to lose potential through educational pipeline leaks (read: exclusionary policies that push students out). Previous research conducted on Chicana/o students led to my opportunity to write this, and in turn, by way of this, I hope my study is a small effort that will lead to other Chicana/o researchers.

CHAPTER 1

INTRODUCTION

Chicano students are graduating from high school at increasingly lower rates and lower than their female counterparts and are outperformed by all other racial/ethnic groups. This is an educational crisis that cannot persist. Given national demographic shifts, this pattern can be catastrophic. President Obama has described education for Latinas/os as a high national priority; however, little in the educational context of Chicanas/os has changed. Rather, ongoing policies have further inhibited the educational progress for Chicano students. In an effort to understand the Chicano educational experience, this study examines one such K-12 school policy for the impacts it has on higher education access: zero tolerance, also referred to as school discipline policy. While zero tolerance is a national policy that serves as an umbrella for various discipline policies, including suspensions, expulsions, and referrals, this study will take a broader perspective of examining zero tolerance as a key component of discipline policy. As such, the terms zero tolerance and discipline policy are used interchangeably throughout this study and are often related to the practice and implications of these policies in schools. This chapter examines discipline policies by providing (a) an overview of the issues, (b) the theoretical framework, (c) a statement of the problem, (d) the purpose of the study, (e) the significance of the study, (f) the limitations of the study, and (g) a definition of terms.

1.1 Overview of the Issues

In 1975, the Children's Defense Fund conducted a study that critiqued school discipline policies (Children's Defense Fund, 1975). In this report, Children's Defense Fund researchers found that Black students were being disproportionately suspended from school. The Children's Defense Fund is one of only a few organizations to advocate against such stringent school discipline policies and point out the racial/ethnic imbalances that characterize school discipline policies. The Children's Defense Fund (1975) arguments occurred long before the violent tragedy at Columbine High School, which led to and fueled support for more punitive measures in discipline practices. Since the Children's Defense Fund (1975) published their racialized analysis of school discipline policies and practices long before the tragedy at Columbine, it supports the notion that school discipline policies have been complex and problematic for students of color for many years and are only now in 2015 being discussed in a broader discourse. Despite early research (Children's Defense Fund, 1975), discipline policies persisted and eventually evolved into the federal and state mandates that are widely practiced today. School discipline practices are collectively identified as the policy "zero tolerance." Such disciplinary practices as referrals, on campus suspensions, off-campus suspensions, expulsions, and school arrests fall under zero tolerance.

Zero tolerance as a policy does not have roots in the field of education but rather in the field of drug enforcement (Skiba & Knesting, 2001; Verdugo, 2002). The term continues to be used in reference to crime in general (Zononi, 2011), prostitution (Ohlsson & Sonesson, 2008), drug trafficking (Keen, 2001), and sexual predation (Wolfe, 2002). The zero tolerance ideology caught the attention of New York school officials, and it soon became quite popular when referring to the position schools would take

against students with firearms on school grounds (Skiba & Knesting, 2001). This movement to enforce zero tolerance in schools was fueled after a few, isolated school incidents: Springfield, Oregon in 1998; Jonesboro, Arkansas in 1998; and Columbine, Colorado in 1999 (ABC News, 2007). It became educational legislation through the efforts of Democratic Senator Diane Feinstein in the early 90's and eventually was included in the Safe Schools Act and Gun Free Schools Act under President Clinton in 1993 (US S 854: Gun Free Schools Act, 1993).

Over the years, zero tolerance has had a very fluid nature within its application in education. When it was first established as policy, it entailed expelling students who had firearms on school grounds. It later evolved to include illicit substances such as drugs and/or alcohol and weapons. Shortly after this, the policy was expanded further to include weapon-like objects, and the definition of illicit substances was expanded to include drug-like substances. In this fashion, zero tolerance became the umbrella policy for many disciplinary infractions, including suspending and expelling students for truancy, disruptive classroom behavior, disobedience, and fighting (Raffaele Mendez, & Knoff, 2003; Reyes, 2006; Skiba, Michael, Nardo, & Peterson, 2002).

A great deal of research has been conducted on the topic of school discipline, but it is frequently presented in an outdated racial/ethnic binary of White[1] and Black students (Raffaele Mendez, 2003; Skiba et al., 2002; Townsend, 2000). Furthermore, research seldom goes beyond the punitive implications of zero tolerance. The long-term academic implications (Casella, 2003b) of the zero tolerance policy on the groups impacted,

[1] The use of a White racial/ethnic category in this study refers to what the census defines as non-Hispanic White or Caucasion.

[2] A college pipeline refers to the broad connections in educational systems, for example, elementary school is connected to middle, and middle is connected to high school. In this case, the college

including Chicano, have received little attention. In an effort to fill these gaps, this study introduces a new group—Chicano (male) students—into the larger discourse on zero tolerance and school discipline, explores the policy making process, and examines the role of the juvenile justice court in the overall process of discipline. In addition, academic outcomes and post-disciplinary punishments are explored for Chicano students, extending the conversation about discipline in schools to higher education. This study presents the first large-scale analysis of the impact of zero tolerance policies on Chicanos.

Three key findings of previous studies are pertinent for this study. First, the students targeted most frequently under the zero tolerance policy are youth of color (Noguera, 2007; Reyes, 2006; Skiba, Rausch, & Ritter, 2004); albeit most of this research has been focused on Black students. This finding raises the question of how other racial/ethnic groups are impacted. Second, other researchers (Reyes, 2006; Skiba et al., 2002; Verdugo, 2002) have pointed to evidence of a disproportionate implementation of discipline policies such as zero tolerance and out of school suspensions directed at male students of color, specifically Blacks (Children's Defense Fund, 1975; Raffaele Mendez, 2003; Skiba, et al. 2002). These studies found that by experiencing discipline policies at a disproportionate rate, students suffer lower academic achievement and thus less college readiness, with an increased likelihood of becoming a "push out." Furthermore, racial disparities may impede students from participating in the college pipeline[2] (Reyes, 2006). Finally, a distressing link has been found as a result of the disproportionate

[2] A college pipeline refers to the broad connections in educational systems, for example, elementary school is connected to middle, and middle is connected to high school. In this case, the college pipeline refers to students understanding that educational institutions are connected and it begins in pre-kindergarten and ends in college.

implementation of discipline policies: that school discipline infractions (suspension, expulsion, and/or referrals) have a link to the prison system (Casella, 2003b; Osher, Magee Quinn, Poirier, & Rutherford, 2003).

1.2 Theoretical Framework

In order to critically examine this prior research, it is important to implement a theoretical framework conducive to analyzing policies in schools. I will analyze discipline policies and their impact on Chicano students through a critical race theory (CRT) and Latina/o critical theory (LatCrit) combined lens. By operationalizing the research questions and analyzing the data through a CRT and LatCrit lens, this study explains how disciplinary policies create direct barriers for Chicano students to be college ready.

CRT and LatCrit together provide a lens to frame questions of policy, particularly a policy within education. CRT poses the following core set of tenets: (a) the centrality of racism and the intersections with other forms of subordination (Solórzano & Delgado Bernal, 2001); (b) a challenge to dominant ideologies such as objectivity, meritocracy, colorblindness, and race neutrality (Solórzano & Yosso, 2001); (c) a commitment to social justice (Lynn & Parker, 2006); and (d) the centering of experiential knowledge through counterstories (DeCuir & Dixson, 2004; Delgado, 1989).

Although frequently braided (Montoya, 1994) with CRT, LatCrit is used in harmony as a theoretical framework within this study. LatCrit, like a cousin of CRT, offers additional perspective to CRT by taking into account intersectionalities and complex aspects of identity. LatCrit speaks to other identities and cultures (Hernandez-Truyol, 1999). CRT does not explicitly address pan ethnicity and transnationality

(Hernandez-Truyol, 1999); language, phenotype, and immigration (Solórzano & Delgado Bernal, 2001); and religion, sexuality, and poverty (Iglesias & Valdes, 1998). What this means is that CRT provides a framework, a lens that describes the impact of zero tolerance discipline policies on Chicano students while accounting for the historical context of Chicanas/os in public schools and how disproportionate rates of disciplinary citations are part of a racialized pattern for marginalization for Chicana/o and Latina/o students through the guise of fair and objective policies.

LatCrit works in harmony with CRT, but it also offers additional perspectives by taking into account intersectionality and other identities CRT does not explicitly address. LatCrit focuses on a pan-ethnic approach to coalition-building across pan-Latina/o groups and is thus able to account for various components of a pan-Latina/o ethnic identity that CRT does not, such as language, immigration, ethnicity, culture, identity, phenotype, and sexuality (Espinoza, 1990; Garcia, 1995; Hernandez-Truyol, 1997; Johnson, 1997; Martinez, 1994; Montoya, 1994; Valdez, 1996). By combining both theories into one framework, I can focus on the nuances of Chicano experiences and discipline policies.

I will apply a CRT and LatCrit framework to examine discipline policies and how race, racism, dominant ideologies, and various aspects of Chicano identities are reflected in the larger discourse of discipline within the Utah context. A CRT and LatCrit lens will serve to challenge notions of objectivity, racial neutrality, and deficient perspectives of Chicano students embedded within discipline policies and practices. Including LatCrit will allow a more in-depth analysis when aspects of migration status, gender, language, and phenotype intersect with race in school discipline policies and practices, facilitating an opportunity to focus primarily on Chicano students in this study (Delgado Bernal, 2002). The combination of LatCrit and CRT is necessary for a comprehensive

examination of Chicano students and zero tolerance discipline. LatCrit can enhance CRT in this proposed study, as it takes into account the nuances of Chicano experiences in Utah schools. CRT can speak to the general racialized impact of discipline policies in schools; however, LatCrit can describe the essentialism of all Latina/o groups. In other words, LatCrit gets into the details of how different Chicana/o experiences are from Cuban experiences, for example, by examining the dimensions of Latinidad more delicately and explicitly than CRT (Delgado Bernal, 2002; Villalpando, 2009).

Theoretical frameworks such as CRT and LatCrit can help researchers deconstruct policies and practices in educational settings. Solórzano and Yosso (2001) note that "critical race scholars…acknowledge that schools operate in contradictory ways with their potential to oppress and marginalize co-existing with their potential to emancipate and empower" (p. 3). Solórzano and Yosso refer to institutional policies that pose as objective and fair but that, when put into practice, often assume deficit views of students of color (thus marginalizing them) instead of tapping into the experiential knowledge these students bring to the classroom and allowing that knowledge to flourish within schools (thus empowering students).

Brown (1995) describes this objective and fair stance of schools as color-blind and "linked to the uneasiness in discussing race, lack of knowledge of the Black culture, and fears that open consideration of differences might incite racial discord" (p. 377). Brown speaks specifically about the experience of Black students, but this philosophy, widely held by educators and assumed in school discipline policies, speaks to the experiences of many other groups of color, such as Latina/o students in Utah. CRT challenges dominant ideologies and offers contrasting explanations for traditional understandings or "paradigms" by dismantling explanations of low achievement for

students of color and redescribing policies and practices in schools through the lens of race (Solórzano, 1998). For zero tolerance policies, to disrupt dominant ideologies means asking what it is about the policy that results in most Utah school districts suspending Chicano students at a three to one ratio, in other words asking why Chicano students are three times more frequently suspended than their White counterparts. To disrupt and challenge dominant ideology also means disclosing the racial bias underneath school discipline practices via deconstruction of the process and values underlying such practices.

Scholars who have established this theoretical framework (Crenshaw, Gotanda, Peller & Thomas, 1995; Tate, 1995) have emphasized the interdisciplinary nature of CRT; however, few of these studies have been quantitative (Solórzano, Villalpando & Oseguera, 2005; Teranishi, 2007). This study offers a mixed-method approach, in which I seek to statistically examine disciplinary impacts on Chicano students and to apply a theoretical framework that, although presented as an interdisciplinary theory, is seldom applied to quantitative methodological studies. Whereas few studies with a quantitative analysis have applied a CRT and LatCrit theoretical framework, I argue that CRT and LatCrit can be applied to interdisciplinary research.

1.3 Statement of Problem

School discipline policies or zero tolerance are not effective in promoting safer schools (National Center for Education Statistics (NCES), Indicators of School Crime and Safety, 2009). In a recent report on school crime and safety, NCES found that even while discipline policies have become broader and more punitive, they have not resulted in decreased crime or increased school safety. For instance, high school students in Utah

reported a 4 % increase in injuries or threats with weapons while at school (NCES, 2009, p. 89). This increase in crime has been attributed primarily to Black and Chicano students, resulting in high suspension and expulsion rates for these two male groups and creating a pattern of exclusion (Reyes, 2007). Patterns of exclusion include on- and off-campus suspensions and expulsions that lead to the removal of students from instructional settings (Morrison & D'Incau, 1997) and increased school "push out" (Skiba et al., 2002), which frequently leads to increased involvement in juvenile court and criminalization (Casella, 2003a; Reyes, 2007).

In Utah, the overall academic performance of Chicana/o students is well below that of their White counterparts. In 2002, less than half of Chicano male students (including pan-Latino, male students) graduated from high school, whereas the rate for their White male counterparts is much higher (United States Office for Civil Rights, 2002). It is estimated that the overall Chicana/o population in Utah is currently 13% (Pew Hispanic Center, 2010), and school-aged Chicana/o youth make up 17% of the Utah population. As of the 2010 census, it is anticipated that the Chicana/o student-aged population will continue to steadily rise, indicating a need for the state to reflect these transitions with educational policies and practice conducive to access and completion.

The 2000 census demonstrated that only 10% of the Chicana/o population in Utah attends college, contrasted to 40% of their White counterparts (Perlich, 2004). However, such data are difficult to analyze given that there is no detailed information regarding the generational status in the US or place of birth for many students of Mexican heritage, which contributes to rendering Chicana/o students invisible since it is difficult to identify them. In other words, all state institutions in Utah aggregate all Latina/o groups from various ethnic heritages regardless of the different political dispositions, experiences,

histories, and social contexts of the country of origin. A recent College Board publication (2011) found that there is significant variance in high school graduation and college access for male students of various Latina/o backgrounds including such groups as Cuban, Mexican, Argentinian, etc. For instance, this report found that youth from Mexican backgrounds (US born and those born in Mexico) have a much lower high school graduation rate and college attendance rate than their Cuban counterparts.

In addition to lower rates of participation in college, students of color, specifically male students, are overrepresented in juvenile detention centers, jails, and prisons in Utah. Across the US, Latinos have a 1 in 6 chance of being incarcerated as a child, and Latinas have a 1 in 45 chance (Children Defense Fund, 2008). In Utah, juvenile incarceration of Chicano students has grown 10% annually (Utah Juvenile Justice Services Annual Report, 2005).

This disproportionate presence of Chicano youth participating in juvenile detention centers demands attention, as it too is a topic that is understudied. Researchers such as Fine (2004), and Duncan (2000) suggest there is a link between discipline infractions in schools and incarceration, and note that the majority of incarcerated young men of color have a history of school discipline. This study proposes to investigate the extent to which high discipline rates are related to high incarceration rates among Chicano students in Utah.

1.4 Purpose of the Study

A key purpose of this study is to focus on Chicano students in an analysis of school discipline and unpack how important this issue is for Chicano educational access. This study also analyzes long-term impacts of the zero tolerance policy with particular

attention to how it influences college readiness for Chicano students in Utah. To examine the effect of this policy on Chicano students, this study explores the overwhelming gap in the educational pipeline for Chicano students and analyzes discipline data and Chicano college readiness.

1.5 Significance of the Study

This study is important for its potential policy, research, and theoretical implications. This study is the first to focus on Chicano students and their voices, as well as their disciplinary experiences and educational implications in Utah, thereby speaking to a gap in the literature, despite the overall population growth of Chicanos across the country. In this way, this study seeks to disrupt the racial binaries that are dominant in educational research and create space for Chicano voices. Additionally, this study will expand on CRT and LatCrit methodology. CRT and LatCrit have a robust counter storytelling and *testimonio* methodology and, as such, have been used primarily as frameworks for qualitative research. Whereas both theories posit an interdisciplinary and mixed-methodological approach, this study applies CRT and LatCrit as a combined framework to interpret, prepare, and conduct a quantitative analysis.

This study also offers policy implications. This research can provide school districts with an evaluation of current discipline policy trends for the assessment of discipline effectiveness in their respective districts. Since the introduction of zero tolerance and other punitive discipline policies, Utah school districts, like many thousands of districts across the country, have implemented these policies without an evaluation or in depth-analysis of the implications.

Furthermore, this study contributes to the larger discussion of college readiness

for underrepresented students, particularly Chicano students, who are an understudied group. Chicano students, specifically, are rendered nearly invisible in Utah educational research and in national research on discipline policies. This growing population requires scholarly attention. The scholarly discussion on discipline implications has not focused on Chicano students enough.

1.6 Research Questions

This study will explore the following guiding questions:

1. What is the discipline trend in Utah for Chicano students? How do these trends affect the disproportionate enrollment rates of Chicanos in college?
2. To what extent do disproportionate discipline patterns for Chicano students resemble a prison pipeline rather than a college pipeline?
3. How does a critical race theory and LatCrit lens interpret disproportionality in discipline patterns and the relationship of discipline patterns to college readiness among Chicano and White male students?

1.7 Definition of Terms

The group central to this research, Chicana/o, includes females and males of Mexican heritage. In this study, the term Chicana/o is interchangeable with Latina/o (the more generic term used to refer to all Spanish-speaking and Latin American populations) and carries strong historical symbolism given the social and political ideologies from the 1960's Chicano movement (Acuña, 1988). The Chicano identity evolved in response to the oppressive conditions Mexican American communities faced during that time period. Led by young people and students, this movement continues to be tied to political consciousness and socially just, activist values. This study specifically focuses on males

of Latina/o heritage; thus the term Chicano. Both Acuña (1988) and Vigil (1998) identify "Chicana/o" as an identity that was reappropriated in the late 1960s after being a derogatory term that was redefined during emerging political movements that included students, teachers, and community members who fought to end the oppression of communities of color. In this way, "Chicana/o" became an identity that represented a heightened consciousness and political standpoint.

This study focuses on discipline policies. The battery of disciplinary policies falls under zero tolerance and includes referrals, on-campus suspensions, off-campus suspensions, expulsions, and arrests. The term "discipline policies" is frequently used interchangeably with zero tolerance; however, zero tolerance is also a philosophy where discipline policies are a set of practices and sanctioned rules.

Zero tolerance is a set of policies related to school discipline, philosophies dictating the approach school officials take with respect to school discipline practices. Student infractions are the punishments a student receives when violating a zero tolerance policy or breaking a disciplinary boundary. Zero tolerance infractions include bringing drugs or a gun to school; however, many school districts currently include classroom disruption and arriving late to class as zero tolerance infractions worthy of severe punishment. Citations are also punishments a student receives for a disciplinary offence. Infractions and citations are similar, but citations are often distributed by school police officers. This study takes a comprehensive approach, with a focus on K-12 and higher education. In this way, this research includes the entire education pipeline. An educational pipeline is a trajectory of education that often includes prekindergarten through graduate/professional school.

The outcome goal measured in this study is student college readiness. College

readiness is defined in this study as eligible for college. For example, a college ready math course would be a course fulfilling a college admission requirement—one that would prepare the student for college. A college ready student has fulfilled college admissions requirements and is, thus, theoretically college ready.

Given the theoretical framework of this study and the sources drawn upon, students who do not complete high school or a high school equivalency certificate are referred to as "push outs." In this study, a "push out" is a student who has left school, often involuntarily, before graduation. Often, students who do not complete school are viewed and discussed through a deficit lens, which places the blame and entire responsibility on the student (Valencia, 1997). The frequently referenced terminology of students as "dropouts" is language that enables the school to be free of any role in the decision. However, in this study the institution is more closely scrutinized for the role it can have in a student not completing school. The study does not consider a student's lack of school completion as a matter of personal choice, but rather as a consequence of institutionalized factors that often lead to students being excluded from their education, and eventually being pushed out school.

CHAPTER 2

LITERATURE REVIEW

Research on zero tolerance school discipline policies in schools is fairly new. The term has been in use in education since the 1990s (Verdugo, 2002). Notably, discipline practices including out-of-school suspensions, in-school suspensions, and expulsions have been a topic of research as far back as the 1970s (Children's Defense Fund, 1975). Discipline practices have existed for many years, but with the national movement toward a "zero tolerance" approach, motivated by the federal government, researchers have noticed a heightened impact on students and institutions. Not all students are affected in the same way, prompting the Children's Defense Fund (1975, 2010) and the National Association for the Advancement of Colored People (NAACP, 2005) to draw attention to the patterns of punitive disciplinary action that predominantly affect Black students. Additionally, more education and youth researchers have begun exploring this new trend in education, specifically focusing on Black students. However, throughout this recent research, what is rarely examined is the impact of discipline and zero tolerance policies on Chicana/o students.

This study contributes to the existing body of literature on school disciplinary patterns and students of color by specifically focusing on Chicano (male) students. Chicana/o students have been in the US over 300 years, even before it was known as the US (Acuña, 1988). Despite the lengthy history of Chicana/o students in this country,

their experiences continue to be underresearched (Villalpando, 2003) and frequently examined with a deficit perspective (Yosso, 2006). Some research posits that Chicana/o students have low academic attainment (Menchaca, 1989) as a direct result of racist and deficit-based ideologies (or perspectives) of Chicana/o students. In this analysis, college readiness is the unit of analysis to determine the relationship of school discipline for Chicano students and academic attainment.

Researchers who examine zero tolerance and disciplinary impacts on students of color have focused on Black students (Fenning & Rose, 2007; Losen & Edley, Jr., 2001; Raffaele-Mendez & Knoff, 2003; Skiba, 2001; Skiba & Knesting, 2003; Townsend, 2000; and Tuzzolo & Hewitt, 2006); only two researchers have made mention of Latina/o students (Noguera, 2008; Reyes, 2006). It is important to focus on Chicana/o students, particularly with recent studies pointing to the rapidly growing Chicana/o population in Utah (Perlich, 2009). According to the Pew Hispanic Center, the Latina/o population accounts for over half of the nation's population growth in the last decade (Passel, 2011).

Findings in the existing research (which focuses on discipline policies and the impacts they have on Black students) suggest that discipline is racialized, and disproportionate between Black students and their White counterparts (Christle, Jolivette, & Nelson, 2005; Nichols, 2004; Vavrus & Cole, 2002) and that there is a severity of punishment for Black students that does not exist to the same degree for White students (Browne, Losen, & Wald, 2001; Gordon, Della Piana, & Keleher, 2001; Reyes, 2006; Skiba, 2001). This research suggests discipline researchers need to be mindful of the role of race/ethnicity when considering school discipline. Contrasting with White student discipline rates has been the historical measure to understand dominant patterns in discipline distribution.

2.1 Chicanas/os in Education

Historically, the educational experience for Chicana/o students has been one of marginalization and racially-fueled policies and practices that have paved the way for the current educational status of Chicana/o students. Racially-based policies include school segregation (Donato, Menchaca, & Valencia, 1991), school tracking into vocational or remedial education programs (Oakes, 1990), lack of access to advanced placement courses (Solórzano & Ornelas, 2002), and poorly-funded schools and scarce resources (Kozol, 1992). These policies and practices have contributed to the current rates of college readiness that Chicana/o students face today.

Some researchers (Swail, Cabrera, Lee, & Williams, 2005) have blamed Chicana/o academic underachievement on students and their families by citing family composition, educational legacy, and urbanacity as factors preventing college access. Valencia (2002) argues that research that blames the victim, such as relating academic achievement of a student to his or her family composition, can be identified as deficit-based. In other words, Valencia argues that by looking at what is wrong with the student and placing the responsibility on the student, rather than taking into account the role of educational institutions in not meeting the educational needs of students within inequitable educational conditions (Fine, Burns, Payne, & Torre, 2004; Oakes, 1985; Yosso, 2006), students are blamed as sole decision-makers of their educational standing.

More challenging still, the very policies and practices that prohibit Chicana/o students from an unobstructed educational pathway are protected under a veil of colorblindness and meritocracy (DeCuir & Dixon, 2004; Solórzano & Ornelas, 2002). Oppressive policies continue, often in less obvious ways (Valencia, 1997).

What offers hope is that despite the historical legacy of educational inequities,

many Chicana/o students persist in school with their resiliency and strategies of resistance (Villalpando, 2003; Yosso, 2005) and with the tools, cultural capital, and wealth drawn from their families, communities, and Chicana/o culture (Delgado Bernal, 2002; Valenzuela, 1999; Yosso, 2006).

Chicana/o students bring a unique set of strategies and skills to educational institutions that they learn from "home," where home is the family, community, and culture. One of these strategies is high aspirations. Chicano students strive to high educational and career goals, contrary to dominant views of Chicana/o students (Hurtado, Griffin, Arellano, & Cuellar, 2008). In addition, they reach out to one another and create networks with peers to provide a support system through postsecondary school (Villalpando, 2003; Yosso, 2006). Through their unique skill sets, Chicana/o students are resilient (Yosso, 1999) and persist in education despite what some might view as overwhelming and impossible odds, becoming untapped assets within educational institutions (Yosso, 1999).

In 2002, the Hispanic Pew Center, a Latina/o focused research institute, published data indicating a college attendance gap between Latina/o students and any other racial/ethnic group among college age populations (18- to 24-year-olds); (Fry, 2002). In 2006, a Chicana/o educational pipeline reported that out of 100 Chicana/o elementary students, only 44 graduate from high school and of those 44 only 26 enroll in college, only 9 go to a 4-year college, and only 7 graduate with a Bachelor of Arts. The pipeline goes on to note that of the 7 who graduate with a BA, only 2 will graduate with a professional degree and less than 1 will graduate with a doctoral degree (Solórzano, Villalpando, & Oseguera, 2005; Yosso, 2006). These low rates of college attainment and completion indicate that significant educational gaps occur throughout the pipeline for

Chicana/o students, but are most salient in K-12 grades.

While elaborate, this pipeline does not account for Chicano (males). The following section, therefore, draws from research outlining the academic differences between Chicana and Chicano students.

2.2 Gender Differences Within Chicana/o Students

In addition to college attainment for Chicana/o students when contrasted to their racial/ethnic counterparts, there is an additional achievement gap between Chicana and Chicano students. Chicana students have better chances of attending college than their male counterparts (Oseguera, 2005). In the last 10 years, Chicana students have attended 4-year colleges at a percentage rate three to four times greater than that for Chicanos (Harvey, 2002; Villalpando, 2010). One purpose of this dissertation is to bring attention to the layered gaps in the educational pipeline for Chicano students.

This gendered achievement gap negatively impacts male students. For Chicano students, the educational attainment figures drop 15.9% from the level of achievement for their female counterparts (Villalpando, 2004). In addition, Chicana students fare better on national exams (Quin, 2005), have higher grades, and earn more with a BA than their male counterparts (Wortham, 2002). All the while, Chicanas receive fewer discipline infractions (US Department of Education Office of Civil Rights, 2002), are placed in special education at lower rates (Glennon, 1995), and are incarcerated at lower rates than their male counterparts (Reyes, 2007).

Even while some Chicana/o students have high educational achievement, graduate from high school, attend college, graduate from college, and attend graduate and professional school, many still do not (Fry, 2002). Researchers (Pizzaro, 2002; Valencia, 1991; Valenzuela, 1999) have documented many of the barriers that exist for Chicana/o

students and the ways students work to persevere. The role of discipline policies can be analyzed along with these other barriers in education, given that such policies disproportionately impact Black and Chicano male students (Noguera, 2008). Moreover, discipline policies have not been studied as a contributing set of problematic policies for the college readiness of Chicano students.

Chicana/o students make up 12.3% of the student population in kindergarten through high school grades in the public school system, including charter schools (National Center for Education Statistics, Common Core Data 2005-2006), and in 2005 comprised 10% of the population of the Utah Juvenile Justice System (Utah Division of Juvenile Justice Annual Report, 2005). In addition, the literature has pointed out a gender gap between males and females of color with regard to discipline and indicated Black males are overwhelmingly disciplined more frequently than their female counterparts (Raffaele-Mendez & Knoff, 2003; Skiba, 2001; Skiba, Michael, Nardo, & Peterson, 2002).

2.3 Push Outs

The Children's Defense Fund (2008) found that nationally, an average of 661Chicana/o students drop out and/or are pushed out of high school on a daily basis, 83% of Chicana/o 4th grade students do not read at grade level, and 85% Chicana/o 8th grade students cannot perform math at grade level. Burciaga, Perez Huber, and Solórzano (2010) describe the use of the term "dropouts" in contrast to the often more appropriate term "push outs" and find that using the term dropout places the blame on the student rather than looking at the role the institution played and the related institutional factors impacting the student's school attendance.

> The word dropout misplaced blame and responsibility on students to account for the unequal institutional structures such as segregated and overcrowded schools, under qualified teachers, and educational tracking that contribute to students' departures from schools. Instead the term "push out" may be more appropriate….Many Latina/o students experience limited opportunities to learn at every level of the educational pipeline. (Burciaga, Perez Huber, & Solórzano, 2010, p. 429)

In implementing a CRT and LatCrit theoretical framework, this analysis focuses on the student experience while including a historical and contextual account to analyze the educational experiences and data trends of Chicano students. In this way, I avoid adopting a deficit-based lens in this study. Rather, by contextualizing the educational pathways of Chicano students, I take into account the institutional factors that contribute to Chicano student departure from school and rather refer to this departure as school "push outs."

2.4 Education and Incarceration

Nationally, Chicana/o students have a push out rate of 18.4%; the average national dropout rate is 8% (NCES, 2007-08). In Utah, Chicana/o students are pushed out of school at an annual rate of 30%, contrasted with a 12% Utah state push out rate (Utah State Office of Education, 2008). State Office of Education data can be juxtaposed with data from the Utah Division of Juvenile Justice, which finds that Chicana/o youth are incarcerated at a rate that is increasing annually by 10% (Utah Division of Juvenile Justice Annual Report, 2007). These figures suggest a possible relationship between the push out figure and the juvenile incarnation figure. These data, coupled with low college readiness and low college enrollment and completion rates of Chicana/o students, led to the questions guiding this research: What is the relationship between discipline policies, which often lead to push out (Reyes, 2006) and college readiness? Further, what is the relationship between the impact of discipline policies for Chicano students and the

growing rate of Chicano incarceration (Fine, 2004; Noguera, 2008)?

Although it has declined, Chicana/o students still have the highest push out rate when compared to their White and Black peers (National Center for Education Statistics, 2008). Alexander, Entwisle, and Horsey (1997) remind us that institutions such as schools have an influential role in determining the future of students. In addition, schools play a role in the socialization of students, for instance, when students are labeled "trouble-makers" in early childhood grades and this profile follows them through school. This profile is then used to track students into remedial courses or identify them as students with "problem" behaviors that are then targeted. The influences of the school on the student are critical as they frame the student's academic engagement level or disengagement.

Oakes (1985) has argued that schools have utilized their roles and influence to channel students of color into more vocational pathways and White students into academic tracks.

In a 2004 Civil Rights Project study (formerly at Harvard and now at UCLA) Orfield, Losen, Wald, and Swanson analyzed graduation rates in general and minority rates in particular and found extreme racial disparities in graduation rates. The report also found most "officially reported" push out data are misleading. The "official reports" tend to demonstrate a higher rate of diploma receivers and are based on estimates of inaccurate data, in other words schools and districts frequently inflate graduation rates and reduce push out rates. The third finding in this report is that "NCLB graduation rate accountability provisions are being rendered nearly meaningless" (p. 9); for instance, the decision by Secretary of Education Rodney Paige to allow schools and districts to eliminate graduation rate accountability for minority subgroups.

Alexander and Entwisle (2001) conducted a thorough statistical analysis that identified variables most significant in determining whether a student would "drop out" or not. This study found the most significant predicting variable is grade retention. In other words, students who were retained a grade, or were not passed to the next grade, were most likely to drop out or be pushed out. Another characteristic that was found to be of significance for dropout/push out, though not at the same robustness as grade retention, is socioeconomic status. Stearns, Moller, Blau, and Potochnick (2007) found a similar trend in that retained students are more likely to drop out. They also found schools need to pay particular attention to students who are retained, or held back a grade so they do not follow the push out trend. The authors point out that retained students tend to have more disciplinary problems, lower self-esteem, more pessimism about their future, less engagement with school, and fewer bonds with teachers than most promoted students.

Some studies cite deficit-based reasons for socioeconomic status being relevant to academic attainment (Jeynes, 2002; McNeal, 2001), but other researchers (Alexander & Entwisle, 2001; Ream & Rumberger, 2008) do not base their argument for the importance of socioeconomic status on deficit notions, but rather on the resources available to higher income families. For instance, in higher income families parents can afford tutoring, test-preparation courses, and additional supplemental materials, all of which may be beyond the resources of lower income families.

Ream and Rumberger (2008) found that other factors, such as friendship networks, also impact a student's academic achievement and whether the student will drop out or be pushed out. These friendship networks and social networking opportunities and participation (such as extracurricular activities and sports) are

influenced by the economic resources the student and their family may have. Further, those school engagement activities have been found to be positive predictors of school completion for those who can afford to participate. The recommendation by the authors is school reform to link up students with low economic backgrounds with what Ream and Rumberger (p. 126) call "beneficial friendship networks," which come from students' engagement in school activities.

Another key variable drawn from discipline research related to academic achievement is the finding that the academic performance of students who receive discipline infractions is adversely affected (Vavrus & Cole, 2002), and they have a greater likelihood of being pushed out of school. This is particularly the case if the discipline involved was an expulsion or a lengthy suspension. Researchers conclude that these consequences of zero tolerance and discipline policies in general contribute to the institutionalization of a school-to-prison pipeline (Balfanz, Spirikakis, Neild, & Lefters, 2003; Casella, 2003a; Christle, Jolivette, & Nelson, 2005; Fenning & Rose, 2007; Reyes, 2006), given that when students are pushed out, they are more likely to become involved with the juvenile justice system and eventually the prison system as adults (Kim, Losen, & Hewitt, 2010).

Current literature addressing academic implications of discipline policies on students is limited and is even sparser in refereed academic journals. Much of the research reviewed for this study, therefore, is pulled from government agencies and research centers, which publish topical reports. The peer-reviewed literature available raises the following themes: (a) school discipline and how zero tolerance policies continue to evolve, particularly in Utah; (b) the impact of zero tolerance discipline practices on various populations; and c) how zero tolerance policies have created a

school-to-prison feeder-intake relationship.

2.5 The Evolution of Zero Tolerance Policies in Schools

2.5.1 Classroom Management

Classroom management has been a key concern in the teaching and leadership profession since the late 1970s (Purvis, 1976). Purvis (1976) developed a working understanding of misbehavior in schools and began the conversation about the origins of misbehavior which Hyman (1997) later further conceptualized. In earlier studies (Carter, 1976; Newman, 1980; Travers, 1980), classroom management proponents claimed home environment was key to classroom management (Carter, 1976). According to Carter (1976), teachers have to teach students how to behave because it is not something they are taught at home.

When researchers took other student factors into account, such as racial/ethnic identity, the analysis was often grounded in deficit language. For instance, Faust (1977) offered a rationale based on the inferiority of particular racial/ethnic groups by claiming educators contend with "desirable" students and "disadvantaged" students (Faust, 1977), defining disadvantaged, and thus problem students, as students of color. Faust further explained that disciplinary infractions occur because of the "handicaps" students of color bring to the classroom from their home life; "all underprivileged groups suffer from such deficits as economic handicaps, substandard living conditions, and poverty of educational and cultural background" (Faust, 1977).

According to classroom management researchers (Bear, 1998; Faust, 1977; Hardin, 2004), discipline occurs primarily because (a) students are not taught how to behave in the home, (b) they come from lower economic backgrounds, (c) they learn misbehavior in their communities, and (d) students of color are more likely to act out at

school. Perspectives such as those offered by Canter (1976) and Faust (1977) present teachers as saviors who can fill a character-void in students. Models such as Faust's (1977) or Canter's (1976) are the foundation for newer models such as that by Hardin (2004). Hardin's model is reminiscent of Faust (1977) in that he claims students with diverse racial/ethnic backgrounds "will be first- or second-generation Americans, have English as their second language, endure poor socioeconomic conditions, and have unstable family situations" and thus, "are especially prone to have difficulty in school because of incompatibilities between the ways many of them are encouraged to behave in their communities…" (p. 226). These models are dangerous in that they inform the lens of educators and administrators deficit frameworks regarding students of color and students from lower income backgrounds.

2.6 Deficit Thinking

Foundational classroom management literature based on racialized assumptions and a lack of research-based findings represents a deficit perspective (Valencia, 1997) of students and communities of color. This deficit view results in cultural assumptions presented as fact though not supported with data. Deficit thinking is what Valencia (1997) describes as "blaming the innocent."

In education, deficit thinking is an ideology that plays out when students of color are misbehaving in a way the teacher deems to be undesirable. This behavior is then blamed on the student's assumed inherent deficiencies. For instance, if a Chicano student were late to class, the teacher might assume, "Oh, he's late because Chicanos cannot be in class on time." How school discipline is discussed in education research indicates a racially-biased view grounded in Eurocentric ideals, which reads: Chicano students are suspended at higher rates than White students due to their inherent inability to behave in

a desirable way. This deficit-based lens is what fuels the severity of discipline infractions. According to research, the idea behind exclusionary discipline is that removing the problem will control the behavior and minimize the spread of misbehavior to other students (Reyes, 2006; Skiba & Knesting, 2001).

Often, false notions of equity produce more deficit perceptions. For instance, Alemán's (2006) CRT analysis of school funding policies of Texas found that, whereas the public perceived that school finance systems were taking resources from higher income districts to give to the lower income districts comprised predominantly of students of color, in reality the funding was not going to lower income districts. Alemán notes that this policy made already financially and politically vulnerable districts susceptible to further deficit-framed scrutiny. In this case, the false notion of solving a policy problem served to create more hostility than equitable solutions. A CRT critical policy analysis will speak to the way discipline policies play out in schools.

Pizarro (1999) found that deficit views of Chicana/o students are demonstrated when teachers or other authority figures in schools racially profile students of color, namely Chicana/o, Black, and American Indian. As he pointed out, "They are profiled according to skin color, dress, linguistic abilities, or patterns, test scores, specific behaviors, friendship groups, socioeconomic status, parental involvement, or, most often, some combination of these characteristics" (p. 240).

2.7 Zero Tolerance: From Drug Busts to Schools

The way discipline policies came to be known as zero tolerance takes us out of education literature into a very different context. The term "zero tolerance" was coined in the early 1980s in reference to the position of drug enforcement agencies in San Diego tracking drug traffickers at sea (Skiba, 1999; Skiba & Knesting, 2001). Verdugo (2002)

also traces the term and how it made its way from referring to international drug enforcement into the mainstream where it describes the position taken in response to social ills such as sexual harassment, environmental problems, and, of course, drugs. For instance, the notion of a "zero tolerance" approach originated in law enforcement and governmental settings where more militarized and unyielding penal views of socially unacceptable behaviors and activities are encouraged and necessary.

It was not until the late 1980s that the term "zero tolerance" transitioned into the public school system. Donald Batista, then Yonker's School Superintendent in New York, implemented a set of policies targeting disciplinary problems and identified these policies as zero tolerance. The term was adopted from that point forward (Verdugo, 2002). Around the same time, former president Bill Clinton approved the "Gun-Free Schools Act," authorizing a year of expulsion for students in possession of a weapon and ordering schools to recommend the student to the juvenile justice system (Verdugo, 2002). The term became standard for discipline policies with school districts in California, New York, and Kentucky by 1989 (Skiba & Knesting, 2001). Skiba and Knesting also found that zero tolerance policies shifted in applicability from punishment for carrying firearms and illicit drugs to smoking on school grounds or "disruptive" conduct in class. According to research, students were not only expelled or suspended, they were also criminalized by being referred to the juvenile justice system (Boyden & Pittz, 2001; Keleher, 2000).

2.8 Zero Tolerance Policies

Zero tolerance policies vary in nuance and detail across the United States; however, the basic premise is described as three-pronged by Reyes (2006): (a) such policies serve as a violence prevention program as well as a conflict resolution tool, (b)

they provide local districts with the discretion to develop and publish discipline policies or student behavior conduct codes, and (c) they affiliate school-related infractions with class B and C misdemeanors. The third component of the policies describes the criminalization that can result from the policies when students are cited by a police officer (Reyes, 2006).

Similarly, Skiba and Rausch (2006) argue that the basic premise of zero tolerance school discipline "…is based on the assumption of deterrence: irrespective of context, punishing school 'troublemakers' severely sends a message that misbehavior will not be tolerated, and schools will be more orderly and safer for those remaining" (p.88).

The American Bar Association (2001) describes zero tolerance discipline policies in a way that highlights not only the intent of the policy but also the unintended consequences, when they note that a zero tolerance policy is

> …theoretically directed at students who misbehave intentionally, yet it also applies to those who misbehave as a result of emotional problems, or other disabilities, or who merely forgot what is in their pocket after legitimate non-school activities. It treats alike first graders and twelfth graders. (Martin, 2001, p. 1)

There is no evidence to date of increased school safety with zero tolerance; rather, schools with more punitive implementation of zero tolerance tend to be less safe than those with less strict policies (Adams, 2000; NCES School Safety Report, 2009). Like the American Bar Association, Adams (2000) finds there are six barriers to zero tolerance policies achieving the goal of safer schools:

1. Students impacted most by zero tolerance are from lower socioeconomic status and other marginalized backgrounds;
2. Zero tolerance has a tendency due to its expeditious and absolute nature to violate students' right to due process. It is not situational or applied case

by case;

3. Schools are released from the responsibility to serve the student's educational and developmental needs;
4. Disproportionately higher numbers of cases of students of color are being charged/targeted;
5. Removals for zero tolerance offenses are occurring for minor offenses that can be addressed with more proactive and less drastic measures;
6. The policy is not based on data or evidence indicating a decrease in violence through implementation.

Researchers agree that zero tolerance policies and severe responses to address discipline infractions do not necessarily impact the safety of schools. Gladden (2002) conducted a thorough analysis of violence in schools and also found what Adams (2000) outlines as barriers to zero tolerance discipline policies. Gladden found that although zero tolerance discipline practices are meant to address violence in schools, they are not meeting that mark. Gladden takes this point further, claiming the idea of schools being violent sites is a perception fueled by the media.

Gladden makes claims regarding zero tolerance policies that are supported by other researchers, but other claims made are based on deficit views of students of color, such as noting that zero tolerance policies must be tough to address the violent communities youth of color come from. The inference being that communities of color are plagued with violence and school violence is a byproduct of this. Deficit-based research asserts that discipline infractions occur most frequently with students of color, because their communities of color are high in crime. Gladden (2002) and Adams (2000) both make this inference and neither researcher presents empirical data to illustrate the

point.

These assertions are problematic in that they are racialized claims connecting school violence to community violence. As Villalpando and Delgado Bernal (2002) point out,

> if we do not analyze how…institutions racialized structures and practices undergird institutional racism, then we unintentionally relieve [these] education [institutions] and White faculty of the responsibility for removing barriers to success. (p. 248)

Villalpando and Delgado Bernal (2002) refer to higher education and faculty of color, but the broader message refers to educational institutions in general. Deficit-framed researchers (Adams, 2000; Gladden, 2002) are essentially measuring school violence by assessing the communities students come from based only on discipline infractions that both authors note disproportionately affect students of color and special education students, or as Adams (2000) says "students who need education the most" (p. 147). These views are deficit-based and counter the intent the authors appear to have; furthermore they are unfounded. What researchers do agree on is that students of color are cited most for disciplinary infractions (McCray, 2006), and are cited more severely and for more "subjective" infractions than their White counterparts (Skiba, 2001).

In a demographic analysis of racial/ethnic and class effects on zero tolerance policies, Verdugo (2002) found that schools with greater numbers of students of color would have greater police presence—an aspect of zero tolerance. Another finding was that where there were greater numbers of students receiving free or reduced lunch, there would be a greater likelihood of police presence. Verdugo (2002) believes that Black, Latina/o, Chicana/o, and students on free and reduced lunch led to the development of zero tolerance policies. He claims the attitudes and behavior of students led to stricter

forms of school discipline, alleging that Black students carry out an "oppositional culture framed by the 'code on the street'" (p. 65) and Chicana/o and Latina/o youth contribute by "their objective of being *vatos*" (p. 65). To analyze students on free and reduced lunch, or the effect of "class" as he describes it, Vergudo (2002) cites an English study from the 1970s of how students displayed particular behaviors and found, "they had come to realize the inferior economic and social conditions of their social class under capitalism" (p. 64).

Verdugo (2002) offered a critique of zero tolerance using a deficit view and racially-charged claim that students of color, particularly Black, Latina/o, and Chicana/o youth, led to stricter notions of zero tolerance. In so doing, the blame is shifted and responsibility is placed once more on students of color on free and reduced lunch. In other words, researchers such as Verdugo (2002) present a deficit perspective of these groups to illustrate why a disproportionate rate of discipline exists in these populations. In an effort to counter such perspectives, Noguera (1995) included teachers in his research. Noguera (1995) examined ways to prevent school violence by addressing adequate preparation for teachers to understand the populations they teach.

Another component important to understanding suspension and expulsions is the relationships teachers have with students. Many studies have indicated that the relationships between students and teachers are critical (Bireda, 2002; Noguera, 1995). Vavrus and Cole (2002) studied how teachers come to the decision to remove students from their class through observations and videos of class sessions. Vavrus and Cole (2002) found that suspensions resulted from nonviolent disruptions and those cited were usually Black female students or Latina students. Their finding was that disciplinary action was taken when educators felt their authority was questioned and not when there

were outright violent acts or when the unspoken rules or codes within the classroom were not followed. The classroom role of teachers is important to an understanding of discipline policies. However, an environmental component that is important is the policy landscape in which discipline is placed. For example, previous researchers have looked at the role of segregation in schools and the ways in which that background impacted discipline practices.

Research on the evolution of zero tolerance is limited, as is the understanding of how it developed from a policy to protect students from those who would bring weapons and illegal drugs to school campuses, to a more severe punishment of subjective and adolescent behavior or misbehavior (Cartledge, Tillman, & Talbert Johnson, 2001).

Like Vavrus and Cole (2002), Skiba et al. (1997) found that the most common infractions were "insubordination" and "disobedience." Those citations were given to students on free and reduced lunch, special education students, and Black students. Skiba, et al. (2002) addressed the intersection of racial, socioeconomic status (SES), and gender in suspensions and referrals. This study established that the most suspended groups were low socioeconomic status, male, and students of color, especially Blacks. The authors found that Black male students were suspended for "subjective" reasons, but they do not explore or problematize the findings with regard to possible bias by teachers or administrators. However, the authors noted that they do not assert that these disproportionate rates of discipline are a result of bias or discrimination on the part of teachers or administrators. In the state of Utah, the origin and purpose of zero tolerance policies are still unquestioned.

2.9 Utah House Bill 286

Republican Representative Eric Hutchings proposed HB 286, a bill to amend current practices of school discipline. The bill successfully passed in 2007, and new discipline legislation, House Bill 286 School Discipline and Conduct, was to go into effect. This bill assists teachers and administrators with disruptive students. It functions by allowing three opportunities for the student to be referred to the principal for classroom disruption. Subsequent to a student being disruptive at least six times or being suspended twice in one year, students can be sent directly to the juvenile justice system rather than discipline being handled within the school.

The policy outlines the process a student undergoes when committing a zero tolerance infraction and defines the term "disruptive." This definition is important in that it is broad and can be interpreted differently by different people. "Disruptive" behavior is defined as "frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane and vulgar, or abusive language" (Hutchings, 2007, p. 5).

This policy formally connects two separate institutions that have differing goals in allowing schools to send students to the juvenile courts. By permitting the juvenile court to punish students for educational infractions, and without a criminal charge, this bill creates a direct feeder-intake model between schools and juvenile justice courts and develops a formal relationship based on school disciplinary infractions. However, the policy established in HB 286 requires financial resources to enact the institutional changes it outlines, however, this bill did not carry a fiscal note. While this bill did not have the fiscal note to carry out the proposal it presents, it has legally connected two unrelated institutions (schools and the court system).

This bill was not controversial, perhaps because of the lack of a fiscal note, or the intense interest in more punitive school discipline support in the legislature. The bill quietly and easily passed the house and senate and is now in effect for districts that choose to opt into this direct link between schools and the juvenile justice system. This study aims to examine discipline patterns for Chicano students in Utah, where discipline policies continue to test the boundaries of zero tolerance.

2.10 The Zero Tolerance Rationale

Researchers address a variety of reasons for students to receive disciplinary infractions, the most fundamental of which is the teacher-student relationship. The first consideration is the teacher's perspective of the student, and the second is how the teacher's perspective of a student of color impacts the larger perception of who that student is—and how the perception of who the student is in the school context is important to the way a student's actions are measured as appropriate and acceptable or not. In other words, the view of who the student is will affect when a teacher or staff member will determine a student's actions warrant an infraction.

Student - teacher relationships are significant to school discipline according to several researchers (Bireda, 2002; Cassidy & Jackson, 2005; Townsend, 2000). In a qualitative study on school discipline, Bireda (2002) found that teachers and administrators often racially profile Latina/o and Black students. This occurs when, "faulty assumptions, erroneous beliefs, and fear that result from historical stereotypes will block the development of a healthy relationship between teacher and student" (p. 69). Bireda (2002) also noted that "inequities and disparities in disciplinary practices result from cultural misunderstandings and unconscious stereotyping" (p. 49). Noguera (1995), Bireda (2002), Vavrus and Cole (2002), and Townsend (2000) highlighted the

"disconnect" between the teacher's and the student's cultural backgrounds as key to disciplinary infractions. Townsend (2000) argued that teachers should ask themselves if the behavior of students is drastic enough to require suspension, what she calls the "So what" test, before action is taken.

The "faulty assumptions" and stereotypes that are imposed on students of color by teachers and school officials (which are predominantly White and female according to Clewell and Villegas, 2001) stem from what Smith (2004) terms "racial priming." Racial priming was defined by Smith (2004) as a process of racial socialization, which occurs in implicit and explicit ways. Racial priming is when children of White racial/ethnic backgrounds are "primed" and develop racial ideologies through teachings and messages received as they grow up. According to Smith, the "socializing events [received as children] racially prime Whites for future discourses toward racialized thinking and concomitantly make their racist or colorblind ideology more salient, especially when provoked by counter-ideologies" (Smith, 2004, p. 7). Racial priming results in teachers stereotyping and possibly criminalizing students based on their definitions of disruption.

Boweles and Gintis (1977) found that educational systems serve to reproduce economic inequities. They considered schools as tools for profit and economic stability in that they could be stratified to produce a workforce. Boweles Gintis further asserted that any educational reform or policy changes serve primarily to produce a division of labor.

> Repression, individual powerlessness, inequality of incomes, and inequality of opportunity did not originate historically in the educational system….The roots of repression and inequality lie in the structure and functioning of the capitalist economy. (p. 49)

This perspective is closely linked to my study in that the authors argued that schools function to reproduce inequity for economic motives and that strict behavioral

policies tend to exist more often in schools with a large presence of working-class students, such as would be the case with students of color. Bowles and Gintis' neo-Marxist analysis suggests that these policies are designed to racially stratify students of color to be closely controlled by social institutions such as prisons.

Cassidy and Jackson (2005) supported the claim by Smith (2004) that teachers stereotype students, and such stereotypes then impact the students' academic experience and even extend to the students' families. Cassidy and Jackson suggested that behavior is a social construct, meaning diverse perspectives exist based on an individual's values and these definitions cannot be fixed for all people to read the same way. For instance, they refer to "disruptive or inappropriate behavior…determined or interpreted by the observer, according to a particular lens" (Cassidy & Jackson, 2005, p. 451). Given that each individual has his or her own notion of culture that has been socially constructed, assumptions of a common culture and common understandings of disobedience and disrespect do not always exist.

In a sense, Cassidy and Jackson (2005) are referring to the "cultural disconnect" or lack of understanding to which Bireda (2002) and others like Noguera (1997) refer. However, Cassidy and Jackson (2005) describe how problematic it is to view students as deficient, believing it "fails to account for the multitude of factors that influence behavior and the intersectionality of discrimination that many students experience" (p. 454).

Morrison and D'Incau (1997) studied which students are recommended for expulsion from schools. They found that middle-school male students are most impacted by zero tolerance policies. They collected data from student files in one school district in California with demographic data disaggregated by race/ethnicity and gender. They concluded that four categories of students are likely to be expelled: students who, out of

character, do something wrong; students with disciplinary histories and poor grades; students with emotional distress; and students with very violent histories. However, it is important to note that one of Morrison and D'Incau's (1997) limitations is that they created categories with labels based on deficit views, such as "troubled," "socialized delinquent," and "disconnected," to refer to students without interrogating their own colorblind assumptions. These categories were used to analyze the criteria to expel and suspend students.

The work of Thornton and Trent (1988) was perhaps one of the first significant studies following the research presented by the Children's Defense Fund (1976) to confirm that Black students were being suspended at a higher rate than their White counterparts. Another striking finding was that schools with desegregation policies in effect during the middle to the late 1980s had an even higher suspension rate, and the racial disproportionality of disciplinary infractions was more severe in high socioeconomic schools (Thornton & Trent, 1988).

A decade later, Nichols, Ludwin, and Iadicola (1999) conducted a similar study, specifically looking at discipline and suspension data in a group of school districts with a student population that closely reflected the population demographics in the community in which it was located. What the researchers found was that students of color were suspended 80% more frequently than their White counterparts. In a study following up on Ludwin and Iadicola (1999), Nichols (2004) added that suspensions and expulsions "set the stage for continued negative perceptions of the educational environment at the high school level, and in effect support negative achievement expectations for poor, minority students" (p. 419), referring to the pattern that emerges when students experience discipline infractions.

Raffaele Mendez and Knoff (2003) studied a large school district in New York and noted that the largest number of infractions by students across all grades and demographic information was "disobedience/insubordination," and Black males had the highest number of incidents reported. Mendez and Knoff also found that Black students are targeted with disciplinary infractions as early as elementary grades for discipline infractions and, further, that Black females are more likely to be cited than Whites and Latinas.

Female youths are increasingly cited and incarcerated in juvenile justice centers as confirmed in a study by Smith and Smith (2005). This study also found a rise in female juvenile offenders as described by Raffaele Mendez and Knoff (2003). The Smith and Smith study addressed the programs that have been implemented since the reauthorization of the Juvenile and Delinquency Prevention Act of 1992 (p. 365). Smith and Smith (2005) found that gender-specific programs that fostered community and nurturing were found to be most effective for preventing further delinquency for young women.

Several recent empirical studies have discussed the impact discipline policies have on students due to time away from instructional settings as a result of a disciplinary infraction (Arcia, 2007) and how students develop emotional and social challenges from being excluded from instructional settings (Brown, 2007). Once students have had contact with juvenile justice centers, they may be perceived as hypercriminal and thus be targeted (Rios, 2007). There is also an increased "risk for encountering the legal system" after disciplinary action by suspension or expulsion (Townsend, 2000).

2.11 School-to-Prison Pipeline

Fenning and Rose (2007) examined institutionalized factors related to school discipline and zero tolerance. Several researchers have looked at how schools participate in institutionalizing punitive approaches that align, mirror, and collaborate with juvenile justice detention centers. In addition to affirming what other researchers (Raffaele Mendez & Knoff, 2003; Reyes, 2006; Skiba et al., 2002) have concluded about the racial disproportionality in disciplinary infractions, the following studies illustrate how schools closely align with the juvenile justice system.

Christle, Jolivette, and Nelson (2005) found a relationship between schools with more White students, high exam scores, and high attendance rates with lower suspension rates. Additionally, they found that the dropout rate was negatively correlated with attendance, exam scores, and percentage of White students. Reyes (2006) took the research by Christle et al. (2005) further by connecting data to school policies that lead to the criminalization of male students of color. Reyes (2006) studied disciplinary alternative education programs (DAEP) in Texas and the relationship between school districts and the court system through their Juvenile Justice Alternative Education Programs (JJAEP).

Reyes (2006) also found that DAEP centers refer to JJAEP centers for "discretionary violations," resulting in 52% of JJAEP students being sent to JJAEP without committing crimes, or any eligible infractions. A key way schools in Texas have joined with juvenile justice centers is through financially contracting between school districts and juvenile justice centers. Compounding this finding, Reyes found that students frequently received Class B and Class C misdemeanors for disruptions or other discretionary subjective reasons. Reyes (2005) also criticized Townsend (2000) for

disregarding the fact that annoying adolescent behavior of male students of color was being severely reprimanded in schools through zero tolerance policies and practices.

In this analysis, Reyes (2006) found three aspects of discipline policies in Texas that indicate race and institutional racism as factors leading to the criminalization of male students of color in Texas schools. First is the compensatory education fund. Districts in Texas funnel compensatory funds, which frequently go toward supplemental education programming in other states, toward juvenile detention centers. These partnerships exist more frequently in schools with greater student populations of color. Second, JJAEPs are often located in urban communities made up primarily of Blacks and Chicanas/os, which Reyes argues eases entry for students from these communities. Third, Reyes (2006) finds that the historical pattern in demographic statistics of students cited under zero tolerance policies indicates racial bias in discipline infraction distribution; as such, she describes an overrepresentation of "minority students in all student removal and placement categories" (p. 104). Reyes' (2006) study is a thorough and critical examination of institutional practices, which she finds to be racially biased. Further, she links the policy to student outcomes. Reyes argues that specific students are criminalized. This criminalization is tied to the policy, institutional practices, and historical pattern.

Fine, Burns, Payne, and Torre (2004) conducted a qualitative study in California schools looking at what the experiences were for "working class" youth. They tried to understand discipline and school violence and found that schools play an important function, specifically in student identity-development. Fine et al. (2004) also stressed the importance of teachers, staff, and administrators in creating an environment for students to develop their identities in school. They posited that the schooling environment for low socioeconomic students (which tended to be Chicana/o and Black students) led students

to become socialized for criminal roles and that students themselves were aware of this process at it unfolds. The student interviews conducted by Fine et al. (2004) gave insight into their experiences and perceptions. Students articulated feelings of fear and misunderstanding by teachers, which made them feel belittled or resistant to being in the classroom.

According to Haney (1997), the criminalizing process students undergo is the development of a "carceral consciousness"; students are groomed by the schools to enter the justice system rather than to persist in the school system. Duncan (2000) echoed these findings and argued there is a "schools to jail pipeline for youths of color" (p. 36), which socializes and sends students of color, specifically Black, American Indian, and Latina/o youth, into the criminal justice system:

> The relationship among the schooling of adolescents of color, the current global economy, and the expanding prison-industrial complex is significant across three critical, interlocking areas, each of which are linked to urban pedagogies: the service industry, popular culture and information media, and public school curricula. (Duncan, 2000, p. 36)

Arguing that through school curriculum, students are socialized into a pipeline toward jail, Duncan (2000) and others are describing a racial priming (Smith, 2004) for students of color that is based in deficit notions of criminality.

Wald and Losen (2003), in their analysis of population demographics, argued, like Fenning and Rose (2007), that there is a connection between schools and juvenile justice centers, in that racial disparities within both educational and juvenile justice systems are very similar. Wald and Losen (2003) stated,

> [Sixty-eight] percent of state prison inmates in 1997 had not completed high school. Seventy-five percent of youths under age eighteen who have been sentenced to adult prisons have not passed tenth grade. As estimated 70 percent of the juvenile justice population suffer from learning disabilities, and 33 percent

> read below the fourth grade level. The single largest predictor of later arrest among adolescent females is having been suspended, expelled, or held back during the middle school years. (p. 11)

Wald and Losen (2013) are speaking to the early point in these men's lives at which students became involved in disciplinary issues and how many of them were also part of special education programs. Additionally, what these findings indicate is the link between school push out through either severe discipline policies or dropout and a pathway to the juvenile justice system and later prisons.

In an ethnographic study conducted in 2003, Casella provided evidence-based links between the school system and the prison system. Casella (2003b) established that teachers and school administrators labeled certain students as "dangerous" when they did not meet the norms of the class, and that the solution was to remove the student. Casella's results support the conclusions of Raffaele Mendez and Knoff (2003).

Casella (2003b) found that students were moved to "detention, outplacement, referral to courts, and arrest for breach of peace, even for students who have not acted violently" (p. 63). According to Casella, this exclusion of students caused great academic difficulty for students who wanted or were ready to return to regular school classes. Casella also interviewed adult inmates regarding their educational experiences. They, too, reported being pushed out of regular classes, frequently for nonviolent crimes. They, like the students in the study, were then "tracked away" from support and resources, which is what Casella calls a "feeder and intake" (p. 68) to prison.

According to Bilchik (1999), Blacks, Chicanas/os, and Native Americans make up 67% of the juveniles committed in detention centers. In Utah, slightly over 11% of the population of the juvenile detention center is predominantly Chicana/o, a figure that has steadily grown on an annual basis. Latina/o incarcerated youth in Utah is nearly

representative of the Utah Latina/o population statistically (Yearly Report, Division of Juvenile Justice Services, 2004, 2005). What makes these figures even more problematic is that placement and disciplinary policies such as zero tolerance make it difficult for students to return to "mainstream" classrooms, much less participate in college preparation or honors courses. Discipline polices often lead to the dropout/push out phenomenon as well as to high numbers of students in juvenile detention. In other words, Chicana/o students, for instance, do not have the resources White students do to "bounce back" after an out-of-school suspension (Casella, 2003b; Dunbar & Villarruel, 2002; Glennon, 1995).

2.12 Summary

While this literature informs parts of the research questions, this study seeks to learn what the impact of discipline policies are on the college readiness, specifically of Chicano students, and what impacts zero tolerance policies have on the school-to-prison pipeline for Chicano youth in Utah.

The topic of zero tolerance discipline has been around for the last 20 years, and questions about discipline and its racially disproportionate impacts were first raised in the 1970s. The brief review of literature on discipline policies and zero tolerance presented here points out major gaps in the literature. That is, studies looking at discipline, although critical in their analysis, continue to focus on the behavior of students with respect to stated policy but fail to examine the roles of teachers, administrators, and school officials.

The biggest gap in the literature is the failure to include Chicana/o students. If studies of discipline included all students of color they were aggregated into "minority,"

which excludes patterns specific to Chicana/o students. Furthermore, the studies examined presented no gender or race/ethnicity data for administrators and staff. Lastly, the literature reviewed in this study suggests the important role of administrators, teachers, and school staff is discipline policy implementation.

Data gaps were evident in the studies examined. For example, district and school data on disciplinary infractions were not been consistently reported or updated, leading to difficulty in disaggregating the data. This is problematic because, without a disaggregation of data by group and a discussion of the intragroup differences that can exist between all racial/ethnic groups, it is unclear which groups the authors had included.

Additionally, researchers need a new way to look at these policies and practices. For the most part, researchers appeared to be hesitant to perform critical analysis of discipline policies, or to identify the policies as racialized, racist, or biased. Skiba et al. (2001) even went so far as to make a case for how the group of researchers could not make that claim, which indicates the need for deeper and more critical analysis of discipline policies. For instance, a study conducted through a critical race lens would be helpful to deconstruct the racial neutrality and "fair or consistent" presumption of the policy (Yosso, 2006). This study adopts a new methodological approach to data that is seldom present in other studies on the Chicano student: a combination of critical race theory and Latina/o critical theory analysis of zero tolerance discipline policies.

CHAPTER 3

METHODOLOGY

This chapter describes the conceptual and theoretical framework, methods, and data through a detailed description of my methodology, design, data collection, and analysis. It also addresses the issues of accountability and transparency. Tierney (1994) calls for us to also "take into account the politics of method, and of consequence, to reconfigure both the manner in which we conduct research and our purpose in undertaking research" (p. 98).

Research can be a political act, both in the agendas created in research and in ways these agendas are carried out (Pizarro, 2005) and through the relationship of the researcher with the participants (Fine, 1994). Research can also be political based on the researcher's topic, the researcher's identities (Montoya, 2003; Villenas, 1996), and the researcher's epistemology (Delgado Bernal, 1998; Ladson-Billings, 2003). I seek to account for these research politics and connect them to the larger research process this study underwent. Research can be a politicized act, fundamentally because of the researcher. In this case and in qualitative research, the researcher should be incorporated into the study as an instrument (Denzin & Lincoln, 2003). I came to this research driven by a personal commitment. It is important to me that the experiences of Chicano students and their high incarceration and discipline rates be the focus of the conversation about the education pipeline, which spans beyond K-12 into higher education. My family,

community, and life experiences led me to understand the importance of the education of my male counterparts.

I grew up in an agricultural working community on the central coast of California, where our teachers, elected officials, ranchers, business people, and employers were all White. Mexicanas/os and Chicanas/os worked in agriculture, including the parents of my friends and peers and my own family. My community strongly shaped my identity as a bicultural mujer, "crossing over" both dominant and marginalized spaces. I grew up navigating the White culture and language through school and the Mexicano/Chicano culture of the home in all other spaces. Anzaldúa (1987) describes this experience as the Borderlands and the mestiza consciousness (*una consciencia de mujer*). I cross multiple dichotomized spaces. For instance, today I am a Chicana in a predominantly White state, community, university, and graduate department. Often, these identities are contradictory and the switching and navigation process can be overwhelming. These contradictions in identity are evident in that I embody frequently marginalized identities (Chicana with brown skin) within the larger academic and policy discourse and yet I am privileged to have an advanced higher education. Together, these experiences and positions shape my epistemology.

In the larger statewide demographics, I am among the privileged and also simultaneously marginalized as a woman who is a doctoral candidate. Much like the dominant White culture, I am from a culture that has historically been patriarchal (Anzaldúa, 1987), but I am a female who has benefitted from privileges within dominant institutions vis-à-vis the access I have had to higher education and the ability to escape assumed criminalization that my male counterparts have not. For the most part, as a Chicana I have the privilege of not being perceived in the same way a Chicano would be.

For example, I can be in stores or in other public spaces without being looked at like a gang member, thug, thief, or drug user. There are, however, also problematic stereotypes and false notions of who Chicanas are as well, although generalized, deficit views of Chicanas tend to be viewed as less violent. The different life experiences I have navigated have provided me with a skill set that has equipped me for survival within dominant spaces. F Montoya (2003) describes how the skill to be in multiple spaces was facilitated by her ability to develop and wear masks.

> For stigmatized groups such as persons of color, the poor, women, and gays, and lesbians, assuming as mask is comparable to being "on stage." Being "on stage" is frequently experienced as being acutely aware of one's words, affect, tone of voice, movements, and gestures because they seem out of sync with what one is feeling and thinking. (p. 74)

I am a first-generation high school student and graduate and first-generation college student. I witnessed male family members and friends—in contrast to my education career—be criminalized throughout their short educational careers and become slowly excluded from prospects of higher education. Their lives frequently shifted to gang life, incarceration, and drugs. As a Chicana with financial and educational privileges relative to most of my male friends and family members, I have owned the responsibility to shed light on the experiences of my counterparts which I have witnessed. Researching the school to prison pipeline is the way I work toward social justice and equity; in other words, the way I practice my activist scholarship. Working toward this research is an important part of my personal life, it is for my family and community.

Scholars concerned with social justice such as Tierney (1994) claim research with a particular marginalized and/or underrepresented group is "giving them voice," but I find this to be a problematic position. Such a position exerts privilege over people, a privilege that can be interpreted to be oppressive and possessive in nature. Chicano

students have a voice, as do marginalized communities and historically underrepresented communities. The point should not be about "giving them voice," but rather listening to their voices. It is more about researchers listening to accounts of the educational experiences of Chicanos and disrupting the history of exclusion and ignorance regarding underrepresented communities that is so prevalent in academia. One of the implicit agendas driving this research is to bring to the forefront the experiences of Chicanos and examine the policies impacting their access to higher education.

Martinez (2005) discusses the important role of oppositional culture as a way for Chicanas and people of color in general to be resistant to larger oppressive and silencing institutions. This oppositional culture comes by way of storytelling, narratives, and poetry, as Anzaldúa (1987) and Martinez (2002) describe. As Martinez (2002) recommends, through narratives, I am telling of an educational pattern affecting many Chicano students today.

Conducting this research as a Chicana means I bring a unique perspective to framing, collecting, and analyzing data. I bring my awareness of the contradictions of my identity, positionality and experiential knowledge to this research. To describe how my lived experiences and identities play a role in my research, I draw from the work of Delgado Bernal (1998) and her concept of Chicana feminist epistemology, which is a viewpoint normalizing the idea that "our experiences as Mexican women are legitimate, appropriate, and effective in designing, conducting, and analyzing educational research" (Delgado Bernal, 1998, p. 563). Specifically, Delgado Bernal's Chicana feminist epistemology offers a unique vehicle for research, the notion of "cultural intuition."

Cultural intuition gives meaning to data in educational research. Cultural intuition is the practice of going beyond personal and professional experience to analyze

data and incorporate collective experience and community memory in the data analysis process. "Personal experience goes beyond the individual and has lateral ties to family and reverse ties to the past. Personal experience is partially shaped by collective experience and community memory" (Delgado Bernal, 1998, p. 564). In a sense I feel familial and community memories that I intimately witnessed. I was not targeted like my cousins or male peers were, rather, I witnessed first-hand the way they were treated and what they went through. As a witness to what my brothers went through, and the collective pain in the community from so many young men being pushed out of school only to be incarcerated soon thereafter, is the position where I write this study. However, I do not claim my community and familial experiences as my own or assert to know what it is like to be a Chicano.

The way I experience the world is as a Chicana, my family background and my community influence how I come to know what I know. Furthermore, my personal experience shapes my lens in research, my epistemology, and how I make meaning in my research. The intersection and nuances of race/ethnicity and gender have impacted the conceptual and theoretical frameworks I apply to research. This study is infused with the collective experiences, struggles, and scars of my community. I choose to tell this story in their honor.

As such, this research will be a versatile and broad analysis so as to service various purposes (i.e., policy, educational, community). This research is a mixed-method approach and will be examined through a critical race theory (CRT) and Latina/o critical theory (LatCrit) lens. By operationalizing the research questions and analyzing the data through a CRT and LatCrit lens, the research unearths the underlying themes in disciplinary policies that are direct barriers for Chicano students to be college ready.

3.1 Theoretical Framework

CRT in education is utilized in this study as a framework that accounts for the role of race and racism in educational institutions (Yosso, Villalpando, Solórzano, & Delgado Bernal, 2001). This framework is important for the ways in which it exposes false notions of race-neutrality in educational policies and practices (Villalpando & Delgado Bernal, 2002) and by doing so offers additional dimension to traditional analysis of school discipline policies and practices through problematizing racism, White privilege, and ahistoricism (Alemán, 2007). In order to use CRT to fully explore school discipline and the educational experiences of Chicanos, it is necessary to couple CRT with LatCrit. CRT is fairly new; however, LatCrit is even newer, offering ample opportunity to expand on its legal roots and broaden these further into education. LatCrit is like a cousin of CRT, embodying the same foundational tenets CRT posits (Solórzano & Delgado Bernal, 2001). This section seeks to describe the theoretical frameworks and contextualizes their influential role in the methodology and analysis of this study.

Utilizing a CRT framework to analyze educational phenomenon is relatively new (Smith, 2004; Solórzano, 1998; Solórzano & Delgado Bernal, 2001; Villalpando, 2003; Yosso et al., 2001). This research contributes to new ways of utilizing CRT in educational pipeline research by combining CRT with LatCrit to collectively inform a quantitative analysis. CRT has roots in a variety of fields such as US/third world feminism, critical legal studies, cultural nationalism, ethnic studies, and Marxism/neo-Marxism (Yosso et al., 2001), which are some of the fields that make up the "family tree" of CRT. The specialized "Crits" or branches include FemCrit, AsianCrit, TribalCrit, WhiteCrit, QueerCrit, and LatCrit, which I draw from and couple with CRT. It is interdisciplinary and impactful for its broad approach.

This study implemented CRT with the following tenets:

1) CRT explicitly accounts for the racialized educational experiences of Chicano students in American schools (Villalpando, 2003). Chicano students are being suspended disproportionately by race in Utah schools as a result of racialized implementation of discipline policies.
2) CRT challenges the deficit-based ideologies about Chicanos, specifically notions of objectivity, meritocracy, color-blindness, objectivity, and race neutrality (Solórzano & Yosso, 2001). The discipline policies and practices are biased and unfairly distributed through racialized implementation.
3) CRT has a goal to achieve educational equity and social justice for Chicano students and all students of color (Lynn & Parker, 2006). Therefore, Chicano students would not be unfairly targeted and they could focus on being college ready.
4) CRT centers Chicano students and identifies their knowledge as legitimate and valuable to transforming education (Delgado Bernal, 1998). Chicano students who contributed to this study have a valid and important contribution to research in education and education reforms.

Similarly, as a branch of CRT, LatCrit contains the CRT tenets as part of the theoretical foundation, and brings forth additional and more complex analysis on Latinas/os that serves to illuminate the multiple dimensions of Latina/o students. Given that this study centers and focuses on Chicano students, LatCrit serves to bring forth a deeper focus on intersectionalities of experiences and identities within and across Latinidad.

LatCrit works explicitly to center the Latina/o experiences (Valdes, 2002), inclusive of the diversity among and within Latinos' pan-ethnic (Valdes, 1997) and poly-ethnic (Hernandez-Truyol, 1997; Iglesias & Valdes, 1998) make-up. LatCrit embraces the complexity of identity through recognizing multidimensional aspects and intersectionality of identity across race/ethnicity (Valdes, 1997), immigration (Johnson, 1995), sexuality and gender (Hernandez-Truyol, 1997), phenotype (Valdes, 1997), religion (Iglesias & Valdes, 1998), language (Johnson & Martinez, 2000), global equity (Hernandez-Truyol, 1997; Iglesias, 1997), and others.

LatCrit also seeks to build intra-Latina/o communities and intergroup coalitions (Valdes, 1997). In a complex balancing effort, LatCrit embraces the "indivisibility of identities" so as to not isolate the diverse dimensions within and across Latinidades, all the while advocating for an inclusive paradigm among and across pan-ethnic Latinas/os and cross-cultural coalitions. LatCrit seeks to increase an "intra-Latina/o consciousness" and lead to Latina/o empowerment (Valdes, 1997). Finally, what distinguishes LatCrit from CRT and other RaceCrits (e.g., AsianCrit, TribalCrit, etc.) is the priority of praxis. Praxis is a key function of this theoretical framework, referring to the call for transformative work implementing LatCrit into practice (Valdes, 1997).

LatCrit theorists call on the binary direction CRT has taken in only or mostly focusing on Blacks and Whites, while also emphasizing heteronomitivity and Whiteness even within FemCrit (Valdes, 1996) as one of the reasons for LatCrit. However, in my research, I drew from both LatCrit and CRT to address the larger educational policy questions CRT has explored (Parker, 2003) and for the sensitivity to intersectionality among gender, race/ethnicity, and phenotype of Chicanos of LatCrit. Given that it serves to inform my study methods and analysis, I elected to describe my theoretical framework

in my methodology section. I employed CRT coupled with LatCrit to ask the following questions.

3.2 Research Questions

This study explored the following guiding questions:

1) What is the discipline trend in Utah for Chicano students? How do these trends affect the disproportionate enrollment rates of Chicanos in college?
2) To what extent do disproportionate discipline patterns for Chicano students resemble a prison pipeline rather than a college pipeline?
3) How does a critical race theory and LatCrit lens interpret disproportionality in discipline patterns and their relationship to college readiness among Chicano/Latino and White students?

3.3 Research Design

To answer these research questions, I implemented a mixed-method approach to allow for richer data, better-informed findings, and triangulation, development, and expansion of the research objectives. The quantitative approach I utilized includes a hierarchical linear model, nesting students in schools and these schools in districts. I analyzed discipline policy infractions and penalties for Chicano students in Utah across grades, school, test scores, and math courses to study the relationship between discipline policies/practices and college readiness. In addition, I examined data from in-depth interviews with former Utah K-12 students who had experienced disciplinary infractions while students, a legislator who has supported stricter disciplinary policies in Utah public schools, and a juvenile judge who plays a key role in the judicial system once a student is referred to the juvenile justice system.

CRT and LatCrit are typically not utilized to interpret a statistical analysis, given the historically sharp contrast between qualitative researchers incorporating themselves into the research process, and quantitative researchers employing a scientific method or a postpositivist approach (Carter & Hurtado, 2007), requiring an investment in notions of "objectivity." However, CRT and LatCrit employ interdisciplinary approaches at their core and they lend themselves to what Teranishi (2007) calls critical quantitative research. In my study I incorporated personal experiences, a coupled CRT and LatCrit lens, and prior knowledge in discipline research, which is manifested in the quantitative component of this study. I can incorporate my own experiences while still maintaining the integrity of the statistical analysis and interpretive process by leaning on my theoretical frameworks (Carter & Hurtado, 2007).

One way I employ a CRT and LatCrit framework was by focusing on Chicano students at the center of my research questions (Chang & Yamamura, 2006) and asking questions that counter dominant ideology (Stage, 2007). For example, I asked how the rates of disciplinary infractions for Chicanos might resemble a school-to-prison pipeline (Casella, 2003a). I do not seek to compare one group of students to another but, rather, I want to know their patterns of discipline.[3] By centering on Chicanos, I emphasize the importance of disaggregating student groups of color, and further point to the importance of researching the Chicano student group. Additionally, in a critical quantitative study, the research questions are key to framing a study that seeks to push the boundaries of traditional quantitative research (Stage, 2007; Teranishi, 2007).

[3] White male students were included in this study in an effort to shed light on the patterns of normativity that participating school districts have developed through their distribution of disciplinary infractions.

3.3.1 Answering Research Questions

This study is interdisciplinary. A mixed-method approach was employed to provide a more all-inclusive understanding of these research questions. Below, I outline the way I worked toward answering the research questions in this study.

1) What is the discipline trend in Utah for Chicano students? How do these trends affect the disproportionate enrollment rates of Chicanos in college?

Question 1 was answered by looking at descriptive statistics from the two school districts. The logistic regression explored the relationships between race/ethnicity and discipline infractions and college readiness for district 1. The third way I work toward this question is through the hierarchical linear model, which also seeks to unfold similar relationships as the logistic regression while nested within district 2 schools. Together, these statistical data present patterns of discipline rates for Chicanos while also accounting for the impact that these disciplinary rates have on college readiness.

2) To what extent do disproportionate discipline patterns for Chicano students resemble a prison pipeline rather than a college pipeline?

Research question 2 was answered through descriptive data from the school districts coupled with data from Utah Juvenile Justice Service. In addition to the statistical landscape the descriptive data offer, student narratives were central to this question and speak to the experiential component of the school-to-prison pipeline.

3) How does a critical race theory and LatCrit lens interpret disproportionality in discipline patterns and their relationship to college readiness among Chicano/Latino and White students?

For question 3, I analyze Utah discipline policy and policymaking through a CRT policy analysis to provide a better understanding of how the disproportionality came to be

within discipline policy implementation. Much like previous research questions 1 and 2, statistical analysis and descriptive data work collaboratively with the CRT policy analysis in examining the disciplinary patterns and their implications for access to higher education.

The following section outlines how I organized and carried out this study and the rationale for the methodology.

3.3.2 Participants

This study included two school districts in Utah, district 1 and district 2. Together these two districts house 60 schools and 30,672 students. Of the total student population, this study includes students in grades 2-12 at each of the two school districts. District 1 has 40 schools, and district 2 has 19 schools. The data are from school year 2006-2007 and provide a snapshot in a cross-sectional design (Gall, Borg, & Gall, 1996).

Interviews were conducted with individual participants who met the characteristics outlined; they were selected for being former Utah K-12 students who had experience with discipline policies. The additional two interviews were conducted with "elite" participants: a legislator and a juvenile judge. The two nonstudent participants are what Marshall and Rossman (1999) refer to as elite in that they are "considered to be influential, prominent, and/or well-informed people" (p. 113). Overall, participants were selected based on their experiences and roles with K-12 discipline policy in Utah. All interviews were conducted in a semistructured format to inform the quantitative data as to what students experience along with the discipline infractions. The interviews also served to expand on and further develop the statistical findings by providing more dimensions to the quantitative data. The interview with the legislator was designed to

address overall Chicano experiences in Utah in a historical context, the way discipline policies in the state became more punitive through legislation and relevant implications. The interview with the juvenile judge contributed insight into the legal aspect and the outcomes zero tolerance policies and practices have on Chicanos as they are carried out in the state. Moreover, the judge offered perspective on what it was like for him, growing up as a Chicano in Utah.

3.3.3 Protection of Human Subjects

It was important that participants were protected at all times and I took all measures possible to ensure this protection. Former student participants were assigned or self-selected a pseudonym for anonymity. The only participants who chose to have their own names used were the legislator and juvenile judge. Actual names of participants have not been used on any documentation, aside from the consent forms. All data have been kept confidential, including interviews and district data. These data have been stored on a password-protected computer located in my work space and only I have access to this information.

Discipline figures for the two Utah school districts in this study span over 2 years for grades kindergarten through 12th grade during the 2007-2008 school years. These data do not require Institutional Review Board (IRB) protection as they are unidentifiable and further coded. These figures include student characteristics such as grade, school, race/ethnicity, and a description of disciplinary infraction(s). School 1 includes 38 schools and houses 658 students from 7^{th} to 12^{th} grade. School 2 includes 10 schools and houses 3957 students from 1-12.

3.4 Data Collection

Data for this study were collected in two waves. The first wave of data was the quantitative data. Collection of these data took nearly a year of negotiation and relationship building with the participating school districts in Utah. I convened meetings, made presentations, and had dozens of conversations with district leadership in the two districts. Despite approval from both district superintendents, I did not receive access to all requested data. Additionally, the districts provided me with varying data limitations. For example, district 1 provided me with only 1 year of data on certain variables and 2 years of data on other variables within the same district. District 1 includes grades 7-12, whereas district 2 provides 2-12. These data inconsistencies prevented me from combining districts or conducting the same statistical analysis on both.

Conversely, the second wave data, the qualitative data, were collected through a purposive sample. This purposive sample explicitly needed to include Chicanos over the age of 18, who were former students in the Utah K-12 public school system who had had some encounter(s) with disciplinary infractions. This snowball sample began with a referral from a committee member suggesting a student in one of her courses. The juvenile judge was selected for his work within juvenile court and also his involvement and founding of mentorship organizations targeting Chicano youth. The legislator was selected for his involvement on education committees and his support for legislation that expanded discipline policies. By chance, these two elite participants are Chicanos.

Initial requests for the quantitative data began late spring of 2008 and took several months of negotiations. The data were approved in April 2009 and released by the districts autumn 2009. Specifically, data were collected between August and November 2009. The qualitative data were collected between November 2009 and July 2010. The

data collection process included formal and informal meetings and visits prior to conducting the formal interview. Student participants were identified through a dissertation committee member with many ties to youth organizations and advocacy groups. As a result, a student connection was made with 1 student, and this student reached out to friends and connected me with 2 other participants.

Student-level data were collected over a period of 3 months. Data were collected in a semistructured interview format that allowed the desired data to be obtained and provided space for the participant to direct the questions and answers in a more dialectic nature (Marshall & Rossman, 1999). The student semistructured interviews were conducted in a private and confidential office space. All participants decided on the location of the interview. Interviews lasted between 60 to 120 minutes.

Data from the participating legislator and judge were collected over 3 months. For these participants, it was important that I describe my workplace and dissertation advisor and committee members for there to be trust and legitimacy. The legislator's interview took approximately 45 minutes and was conducted at the State Capitol in the office of the state representative. Access to the judge took additional steps and phone calls from faculty on the committee before he would meet to discuss an interview. As is pointed out by Marshall and Rossman (1999), elite interviews are often more challenging to gain access to, and frequently require "sponsorship" or recommendations prior to making contact. In these cases, the more open-ended nature of semistructured interviews was very beneficial in that the participants felt the autonomy and freedom of direction to which they are accustomed.

Interview data were transcribed and analyzed through MAXQDA, qualitative data analysis software. MAXQDA allowed for an organized and graphic process of coding

the interview data (Weitzman, 2003). These data went through several iterations of coding and analysis to result in the most concise themes.

3.4.1 Quantitative Analysis

This study applied hierarchical linear modeling (HLM) and logistic regression modeling to datasets obtained from two Utah school districts. Even though these two methods differ, they served to find the significant indicators for disciplinary infractions and college readiness.

Hierarchical linear modeling is a methodology that incorporates several variables at a time and goes beyond one research site through the capacity to nest the data (Raudenbush & Bryk, 2002). Specific to this study, the variables were composed into two nested levels. Level one was the student level, and level 2 was the school level. These HLM models were applied to data from district 2. Student level variables included student characteristics, and school level included school characteristics and policies. All variables will be described in greater detail in the following section.

Logistical regression modeling was determined to be beneficial to this study in that it allows for making predictions when, as in this case, the dependent variable was a dichotomous or binary variable (discipline infraction 1, 0 and college readiness 1, 0). A logistic regression measures variables within the model and predicts which variables are most closely associated with disciplinary infractions and college readiness (Hosmer & Lemeshow, 1989). Logistic regressions analysis can serve to look for significant indicators for disciplinary infraction and college readiness within the dataset from school district 1. The regression analysis takes a nonlinear approach contrasting Chicano (coded as 1) and White (coded as 0) students in relation to discipline policy and college readiness.

This study implemented these two types of statistical analysis, but not by design. This study was designed to be an HLM analysis. However, given that districts provided different sets of data, when the HLM model was conducted on district 1, it did not yield sufficient school-level variance. The purpose of an HLM model is to be able to nest data and conduct a multilevel analysis. Data from district 1 did not meet the statistical criteria to be analyzed through an HLM methodology. Thus, a logistic regression was a better fit than HLM for analyzing the binary dependent variables in district 1 data.

3.4.2 Qualitative Analysis

In addition, this study implemented a qualitative component with student narratives and interviews with a juvenile judge and state legislator. Interview data were collected in a semistructured interview format. This part of the study seeks to provide a deeper and contextual grounding for the statistical data. The qualitative section provides context through the experiential knowledge of the process of receiving disciplinary infractions. In addition, the juvenile judge and state legislator interviewed provide insight into the policymaking and implementation process for discipline policies.

3.5 Variables

The variables for the quantitative analysis were composed of two nested levels: (1) student level and (2) district level. Student-level independent variables were used to describe student characteristics. District -level variables described school characteristics and policies, including district policies and characteristics.

Variables from district 1 were slightly different from district 2. For instance, district 2 provided data for more than 1 year on some variables and district 1 provided a 1-year snapshot. Yet many of the same variables were important for both samples.

These key variables consist of a Chicano ethnicity, income level, special education participation, grade level, math class, proficiency of math criterion reference exam, and disciplinary infractions.

3.5.1 Key Variables

A CRT and LatCrit combined theoretical framework seeks to center the experiences of Chicano students so the variable of race/ethnicity was a significant variable in this study. Chicano students remain underresearched (Villalpando, 2010) and underrepresented in higher education (Solórzano et al., 2005) and thus their representation, visibility, and centeredness in this study was important. This variable was central to every part of the statistical analysis and interpretation and so was coded as a primary variable. Chicano students represented the number 1, and White students represented the number 0.

Another significant variable includes when a student is also part of a special education program. This variable identifies students in special education. It is vital to the statistical analysis to know whether students receiving disciplinary infractions are also in special education. Given that the disproportionate rate of students of color in special education also parallels the disproportionate rate of students of color and the rate of discipline infraction (Glennon, 1995; Ortiz & Garcia, 1988), this variable is key to this study.

Income level was another important variable. Many previous discipline policy researchers (Skiba, 2001; Townsend, 2000) have asserted that the most accurate indicator for disciplinary infractions is income. However, these previous studies did not center Chicano students or include them at all. My study recognizes the importance of the

income background on the educational experiences of a student; however, I am also aware that race/ethnicity is often closely related to income with regard to school discipline policies (Reyes, 2006). This study accounts for both income level and race/ethnicity although race/ethnicity are the explicit focus of this study.

Student grade-level was a main variable as well. Discipline policy research (Arcia, 2007; Skiba, et al. 1997) describes middle school as being the grade levels with the highest incidents of disciplinary infractions. As such, I include this variable as a central one to examine whether that finding is significant in this study as well. This is a variable that differs between district 1 and 2: district 1 provides grade 7-12 and district 2 provides grade 2-12.

Adelman (1999) and Sandham (2001) argue that rigorous math courses are strong indicators of access and preparation to higher education. Other researchers have found that proficiency in math standardized exams is an indicator of higher education persistence (Johnson, 2002; Pelavin & Kane, 1990). Both math class-type and level of exam proficiency in math were included in this study key to determine college readiness; the variables were also accounted for in significance when in relationship to disciplinary infractions.

College readiness was a variable of central importance to this study. It is an index measure created by combining math class and proficiency of math section in the criterion reference test into a new variable. College readiness is a binary variable and includes only students who have data for their math class and math proficiency. In the larger context of the study, college readiness is defined by the math level of students to represent the level of academic readiness a student has by college requirements. Conley (1997) defines college readiness as a "level of preparation a student needs in order to

enroll and succeed—without remediation—in a credit-bearing general education course at a postsecondary institution that offers a baccalaureate degree or transfer to a baccalaureate program" (p. 5). I agree with this definition and so focused specifically on math to define college readiness for the important role math plays in college entry exams and as a predictor for persistence (see Johnson, 2002).

Discipline infractions, lastly, were a key variable to this study. This entire study is focused on the frequency and proportion of Chicano disciplinary infractions. District 2 provided rates over 2 years, and district 1 provided data for up to three infractions per student. These data relate the role of race/ethnicity, with patterns of discipline infraction. The participating districts resemble regional state demographics; one district is in a more suburban setting and the other in a more urban setting.

District 2 provided all grades and 2 years of data for a number of variables, including math class, special education, and infractions. District 2 released demographic data for students enrolled in advanced placement (AP) courses. Coding was as consistent across district as possible, except when variables differed significantly, such as schools. There are fewer schools in district 2.

This study included two logistic regression models and two HLM models, explained below. With both methodologies, one model focused on the research question concerning the disciplinary infraction patterns in the participating school districts and the second model focused on the impact of discipline policies on college readiness.

3.6 Data Analysis

3.6.1 Logistic Regression

Logistic regression is helpful in analyzing binary and dichotomous variables among nonlinear relationships between independent variables and dependent variables

(Hosmer & Lemeshow, 1989). A logistic regression will result in a prediction of significant relationships between the following dichotomous outcome variables: disciplinary infraction (zero tolerance or other infraction) and college readiness (yes or no) by way of race/ethnicity identity (Chicano and White). Utilizing SPSS statistical software, this study included two logistic regression models.

One logistic regression model was intended to measure the probability of disciplinary infraction for Chicano students by analyzing the relationship between racial/ethnic identity and disciplinary infraction. In other words, the regression model measured for the strongest indicators predicting disciplinary infractions (Menard, 2002). The second model measured the extent to which disciplinary infraction impacts academic achievement by analyzing the relationship between disciplinary infraction and college readiness.

The logistic regression equations used to analyze these relationships answered research questions 1 and 2 with district 1 data and are framed as follows:

- Research Question 1: What is the discipline trend in Utah for Chicano students? How do these trends affect the disproportionate enrollment rates of Chicanos in college?

Logistic Regression Model 1

$$Logit\ (Y=Discipline\ Infraction) = \alpha + \beta\ 1\ (Chicano)\ 1 + \alpha + \beta\ 2\ (Zero\ Tolerance)\ 2 + \alpha + \beta\ 3\ (Low\text{-}Income)\ 3 + \alpha + \beta\ 4\ (Math\ Class)\ 4 + \alpha + \beta\ 5\ (School)\ 5 + \alpha + \beta\ 6\ (Grade)\ 6$$

- Research Question 2: To what extent do disproportionate discipline patterns for Chicano students resemble a prison pipeline rather than a college pipeline?

Logistic Regression Model 2

$$Logit\ (Y=College\ Readiness) = \alpha + \beta\ 1\ (Chicano)\ 1 + \alpha + \beta\ 2\ (Zero\ Tolerance)\ 2 + \alpha + \beta\ 3\ (Low\text{-}Income)\ 3 + \alpha + \beta\ 4\ (Math\ Class)\ 4 + \alpha + \beta\ 5\ (Special\ Education)\ 5 + \alpha + \beta\ 6\ (Math\ Exam\ Proficiency)\ 6 + \alpha + \beta\ 7\ (School)\ 7.$$

In answering research question 1, or in analyzing the relationship between race/ethnicity and disciplinary infractions *Y*, the dependent variable represents zero tolerance violations or off campus suspensions. In answering research question 2, or in looking at the relationship between academic achievement and independent variables, *Y* represents college readiness.

3.6.2 Hierarchical Linear Model

Hierarchical linear modeling (HLM) allows researchers to nest data. In this case, students were nested in schools. Each level (student and school) is also able to hold variables relevant to both levels of analysis. In addition, what makes this statistical tool appealing for researchers in education is the ability to conduct an analysis within and across each level so that in this study, analysis could be conducted within schools and across schools. For instance, I analyzed the role of race for the student and across schools for a broader perspective. The HLM software designed by Raudenbush, Bryk, and Congdon (2004) was utilized to conduct the two-level HLM models.

Hedeker (2010) suggests multilevel analysis like HLM to provide the ability to analyze the variability at each level of nesting. For example, we can look at the variability within the student level, within the school level (level 2) and at both levels, and between level effects (p. 4). In the following HLM models, I analyzed research question 1 and 2 with data from district 2.

- Research Question 1: What is the discipline trend in Utah for Chicano students, and to what extent does it affect their disproportionate enrollment rates in college?

Level 1 Model 1

$$Y\,(Discipline\ Infraction) = 1, =, \beta\text{-}0. +, \beta\text{-}1. *, Ethnicity. +, \beta\text{-}2. *, Low\ income. +, \beta\text{-}3. *, Special\ education. +, \beta\text{-}4. *, Math\ Class. +\ , \beta\text{-}5. *, Math\ Exam\ Proficiency \ldots$$

Level 2 Model 1

$$, \text{-}0. =, \gamma\text{-}00. +, \gamma\text{-}01. *, Chicano\ Representation\ Level{-}1\ variance =, 1\text{-}, \rho, 1 - \rho \ldots$$

- Research Question 2: To what extent do disproportionate discipline patterns for Chicano students resemble a prison pipeline rather than a college pipeline?

Level 1 Model 2

$$Y\,(College\ Readiness) =, \beta\text{-}0. +, \beta\text{-}1. *, Ethnicity. +, \beta\text{-}2. *, Grade. +, \beta\text{-}3. *, Low\ income. +\ , \beta\text{-}4. *, Special\ education. +, \beta\text{-}5. *, Infraction. +, \beta\text{-}6. *, Math\ Class. + R$$

Level 2 Model 2

$$, \beta\text{-}0. =, \gamma\text{-}00. +, \gamma\text{-}01. *, Chicano. +\ , \gamma\text{-}02. *, Low\ income. +\ , \gamma\text{-}03. *, Special\ education. +\ , U\text{-}0.$$

The fundamental purpose of this study was to analyze data on school discipline and Chicano students through a CRT and LatCrit framework to examine the role that race and ethnicity play within this policy. Applying a CRT framework to examine discipline

policies also serves to challenge notions of objectivity, racial neutrality, and deficient perspectives of Chicano students embedded within discipline policies and practices.

My study sought to encourage the critical race theory and LatCrit tenet of interdisciplinary methodological foci (Crenshaw, Gotanda, Peller, & Thomas, 1995) by incorporating a mixed methodology that includes a statistical analysis and interview data. In this way, as Crenshaw et. (1995) pointed out, there is no set methodological doctrine in CRT, and CRT and LatCrit can be applied in a mixed-method study. However, although various methodologies have been encouraged (Parker & Villalpando, 2010), until very recently few CRT and/or LatCrit scholars were conducting CRT or LatCrit research in a mixed-method approach.

3.6.3 CRT and LatCrit Narrative

In the first phase of this study, I conducted a statistical analysis that would allow me to nest the student data within the district data. This analysis looked at general trends in school discipline implementation, particularly the academic outcomes from one year to the next for students who were disciplined. This study included a quantitative component to bring forth the larger trends of Chicana/o students, racism, and school discipline policies, and to heed the encouragement of CRT scholars Lynn and Parker (2006) in their call to action for CRT researchers to "measure and quantify racial discrimination… [and] use quantitative methods to measure racism's impact on students of color" (p. 281).

Following this quantitative analysis, the second phase (the qualitative phase) featured personal accounts of former students describing their experiences with school discipline policies. The student narratives as well as the juvenile judge and legislator accounts served to answer research question 3.

- Research Question 3: How does a critical race theory and LatCrit lens interpret disproportionality in discipline patterns and their relationship to college access among Chicano/Latino and White students?

This phase of the research looked at the policy of school discipline by analyzing the key policy actors, which included a juvenile judge and a state legislator, and accounted for student experience. Their experiences as Chicanos in Utah are important stories that have gone unheard in the study of school discipline policies (in policy discussions broadly as well). It is more appropriate to call these stories counterstories. The students who participated in this research told stories that counter and challenge the dominant story about them as Chicano students (Delgado, 1989). Delgado (1995) described stories told by marginalized people such as Chicano students in her study as down-to-earth and "underdog" stories, further stating that because reality is socially constructed, it is important to hear the stories from those who are often not heard – in her case, Chicano students (p. 65).

These experiences that students shared are counterstories. They are what Ladson-Billings (2003) refers to when she writes about "well-developed systems of knowledge, or epistemologies, that stand in contrast to the dominant Euro-American epistemology" (p. 399) and are thus necessary to hear in order to understand the full impact of these educational policies. Ladson-Billings (2003) highlighted marginalized and underresearched experiences of Chicanos to challenge dominant and "hegemonic structures (and symbols) that keep injustice and inequity in place" (p. 421).

The interview data in my study are collected and analyzed within a counterstorytelling narrative framework. In other words, study participants were able to share their narratives, to tell their stories from their perspective and experiences in a

semistructured, open-ended format, as recommended by Marshall and Rossman (1999), who also found that narrative allows for speaking or making a story (or stories) public. This use of narrative can be transformative and empowering and raises the individual's consciousness while opening up opportunity for social action. The social action the narratives in my study bring to light is what Martinez (2002) refers to as oppositional culture, or the methods in which marginalized communities resist and oppose oppression and hegemony. Historically, there is a larger and commonly known and believed discourse that is taken as the stock story (Delgado, 1989), also known as the majoritarian story (Delgado & Stefancic, 1993), which is also discussed by Solorzano and Yosso (2002):

> Majoritarian stories are not just stories of racial privilege, they are also stories of gender, class, and other forms of privilege. As such, they are stories that carry layers of assumptions that persons in positions of racialized privilege bring with them to discussions of racism, sexism, classism, and other forms of subordination (p. 28).

Majoritarian or stock stories often position Chicano students as deviants or criminals, particularly if looking at their educational experiences (Rios, 2009; Solórzano & Yosso, 2002). That is how, within a CRT and LatCrit lens, stories and narratives told in this study become counterstories and take on a new purpose:

> Most who write about storytelling focus on its community-building functions: stories build consensus, a common culture of shared understandings, and a deeper, more vital ethics. But stories and counterstories can also serve an equally important destructive function. They can show what we believe is ridiculous, self-serving, or cruel. They can show us the way out of the trap of unjustified exclusion. They can help us understand when it is time to reallocate power. They are the other half—the destructive half—of the creative dialect. (Delgado & Stefancic, 2000, p. 65).

Collectively, the narratives in this research worked to create a counterstory to re-tell or counter-tell the existing stock stories about Chicano experiences with discipline in schools. In this study, counterstorytelling allowed me to understand how participants of

this study responded to disciplinary policies and practices through telling the students own narratives. Ladson-Billings (p. 413) calls the student the "knower"—which was the basis for selecting this format. When referring to Chicano student experiences with discipline, this person is not a legislator, educator, teacher, or even the researcher; the "knowers" in this study were the known or, rather, the knowers—the Chicano students themselves. In other words, as Delgado Bernal (2002) notes, Chicano students are creators of their own knowledge and the best fit to recount their narratives. The youth that experienced discipline infractions would be the experts to describe the impact of these practices. The participant narratives become evidence that informs policy.

3.7 Limitations of the Study

This research had limitations regarding generalizability and validity of the variables. Data presented in this study are not generalizable across the US given that regions or states with differing population demographics may have varying Chicano representation and discipline policies. For instance, in the Midwest, research has pointed out that students with the highest discipline rates are Black and that female students comprise a significant part of that. Thus, varying population demographics and discipline policies affect the generalizability of this study.

Discipline-related data are not collected in a consistent manner across schools and districts, creating a threat to the internal validity of the research and emphasizing the difficulty in analyzing patterns related to discipline.

CHAPTER 4

DISCUSSION

A fundamental assumption of this study is that zero tolerance discipline policies disparately impact students of color. This study focused on the effects of punitive discipline policies practiced under zero tolerance on Chicano students.

As Utah state legislators contend with the economic challenges facing the state, there is a rapid increase in Chicana/o demographics, and the K-16 education of Chicano youth becomes a priority. The general expectation is to have state higher education demographics increase at the rate of K-12 enrollment and overall population growth. According to the Utah Governor's education proposal "Higher Education Utah 2020" report (2010), the educational goal for Utah is to have 66% of Utah residents from ages 25-64 with postsecondary degrees or certificates by the year 2020 (p. 11). One of the proposals to achieve this 66% goal is to minimize leaks from the higher education pipeline by preparing more college ready students and encouraging persistence and completion along the higher education pipeline. However, within Utah, Chicano enrollment in 4-year universities is not increasing at the pace of population growth, or even at the pace of K-12 enrollment. This governor's report also highlights the current educational gap between White and Chicana/o 18- to 24-year-olds enrolled in college at 29% for White students, and 17% for all students of color in the aggregate. According

to the state's head demographer, Perlich (2008), Utah is growing at an exceedingly rapid pace due to neighbor-state in-migration and immigrants settling in the state. Perlich (2008) cites enrollment growth as predominantly students of color and under 18 years of age (p. 8). The shifts in state population also impact the demographics of educational institutions and lead to changes in educational policy. The National Center for Education Statistics (2010) recently reported that the Chicana/o population enrolled in Utah public elementary and secondary school doubled from 7.2% in 1998 to 14.5% in 2008. For 2011, Census data indicate that the overall state Chicana/o population is now 13%, whereas the total school-going Chicanas/os comprise 17% of the student population (US Census, 2011). These growth rates indicate the Utah education landscape is dramatically different from what it was.

This growth rate impacts the way students are taught and treated, and has larger policy implications as well. Discipline practices and patterns are related to the ways in which students are treated. Tables 4.1, 4.2, and 4.3 include data for the two participating school districts and illustrate the disproportionality in discipline policy implementation.

Table 4.3 indicates that for district 1, Chicano students make up about a third of the population in the sample, yet they represent nearly double the zero tolerance violations, which include expulsions or long-term suspensions or other violations when contrasted with their White peers. Tables 4.1 and 4.2 describe the racial/ethnic breakdown of the two participating school districts and the disciplinary infractions by type and across 2 years. These brief snapshots present the imbalance in discipline patterns between Chicanos and their White peers and provide insight into what disproportionality in discipline infraction distribution can look like.

Table 4.1 District 1 Type of Disciplinary Infraction by Race/Ethnicity and Violation-Type, 2007-2008

	N	Sample Representation	Zero Tolerance Violation	Other Violation
Chicano	225	34%	15%	54%
White	433	66%	6%	30%
Total	658	100%	21%	84%

Table 4.2 District 2 Percentages of All Discipline Distribution by Race/Ethnicity, 2007 and 2008

	N	Sample Representation	Infraction 2007	Infraction 2008
Chicano	056	27%	13%	17%
White	901	73%	5%	6%
Total	3957	100%	18%	23%

Table 4.3 District 2 Math Class by Race/Ethnicity

	N	Percentage	Math	Pre-Alg	Algebra	Geometry	Alg 2/Trig/ Calc
Chicano	486	28%	4%	7%	9%	6%	3%
White	1643	72%	4%	13%	21%	17%	17%
Sample Total	291	100%	8%	20%	29%	23%	20%

Although there is disproportionate rate between male students of color and their White peers in Tables 4.1 and 4.2, by centering Chicano students in this study, we find the overrepresentation in discipline by Chicano students. Table 4.2 suggests differential application rates of disciplinary policy across the two groups over 2 years.

4.1 Discipline Effects on Education

An important aspect affected by changes in demographics in schools and school-student relationships is academic achievement. Given the data limitations provided by the participating school districts, this study consists of two school districts with different data. For example, district 2 provided enough data to compile an estimate measure of academic achievement, but district 1 did not.

Adelman (1999), Johnson (2002), Pelavin and Kane (1990), and Sandham (2001) argued that high academic intensity in high school curriculum by way of competitive course access is more important for college persistence for Latina/o and Black students than for any other student group. This body of research argues a direct correlation between advanced and rigorous courses and higher standardized test scores (College Board, 2001 in Johnson, 2002), further highlighting the importance for Chicano students to have access to rigorous curriculum. Additionally, this research points to how adverse it is for Chicano students not to have access to a high level of college readiness. Access to higher education is drastically impacted by high academic intensity, and Chicano students are lacking that preparation.

As such, the college-readiness for Chicano students is impaired by way of discipline policies and practices that remove students from instructional settings. District 2 indicated Chicano students have limited access to AP and advanced courses such as

trigonometry, calculus, and advanced algebra. Johnson (2002) argued that Chicano students exam scores are impacted by the limited access into more rigorous and competitive math courses. Adelman (1999) found that completing math courses beyond geometry more than doubled the likelihood of completing a bachelor's degree. District 2 data indicate that Chicano students are underrepresented in math courses beyond algebra, therefore decreasing their chances for access into college.

Through a CRT and LatCrit lens, Solórzano and Ornealas (2004) found that there is a systematic underrepresentation of Latina/os and Black students in AP and honors courses, which is a pattern they call "schools-within-schools" to assert the fact that this pattern is most evident in predominantly Latina/o and Black communities, and that the high enrollment of these groups does not impact the AP course enrollment, creating the schools-within-schools effect.

The systemic nature of this pattern is similar to that of overrepresentation of Chicano students in special education (Ortiz & Garcia, 1988; Valencia, 2002). The overrepresentation of students of color, particularly males, in special education has been established in research (e.g., Glennon, 1995). This pattern aligns with Solórzano and Ornealas's (2004) use of the schools-within-schools effect. In the case of my study, as with the case of overrepresentation of male students of color in special education, there is a schools-within-schools pattern for disciplinary infractions as well.

The idea of schools-within-schools (Solórzano & Ornelas, 2004) is close to Oakes, Stuart Wells, Jones and Datnow's (1997) idea of vocational tracking of specific students. Oakes et al. (1997) found that vocational tracking occurred more for low-income students of color than to their middle and upper class White peers. Racialized and exclusionary educational processes such as vocational tracking (Oakes et al., 1997)

or creating schools-within-schools (Solórzano & Ornealas, 2004) have left a historical legacy for Chicanos in schools (Moreno, 1999). Through a CRT lens, one can envision a school serving as a source leading into multiple pipelines, some leading to favorable locations such as 4-year colleges and others leading to work, and still others leading to prison.

4.1.1 Juvenile Justice Center

In Utah, the Juvenile Justice Center oversees several facilities throughout the state. In a 2005 Annual Report from the Division of Juvenile Justice Services, Dewitt (2005) stated that "across many years, the census of all programs reflects a disproportionate number of minority youths and boys" (p. 1); however, there is also a growth in female youths in custody.

Table 4.4 "Utah Juvenile Justice Center Involvement by Race/Ethnicity" outlines the various level of involvement youth can face with the Juvenile Justice Center and courts. These data are broken up by year from 2005-2009. These 4 years of data are split between Chicano males and White males to contrast what these rates are by group. Table 4.4 indicates the changes in contact with the state juvenile justice services by point of involvement, race, and ethnicity. These data illustrate the growth and involvement in the juvenile justice center for Chicanos over the years. Juvenile arrests grew from 19% in 2005 to 24% in 2007. This increase of 5% is significant as it accounts for over 2000 youth; however, it is notable that the Chicana/o population has seen steady and rapid increases in the last 10 years (Perlich, 2008). These growth projections that have occurred over the last 10 years for the Chicana/o and Latina/o population is expected to continue in Utah indicating the importance of paying attention to this group.

Table 4. 4 Utah Juvenile Justice Center Involvement by Race/Ethnicity

	2005-2006		2006-2007		2007-2008		2008-2009	
Level of Involvement	Chicano	White	Chicano	White	Chicano	White	Chicano	White
1. Population at risk (age 10 through 17)	9%	82%	13%	81%	13%	81%	14%	80%
2. Juvenile Arrests	19%	73%	9%	84%	24%	68%	25%	67%
3. Refer to Juvenile Court	23%	68%	25%	66%	28%	63%	27%	63%
4. Cases Diverted	22%	69%	24%	69%	24%	68%	24%	67%
5. Cases Involving Secure Detention	26%	62%	27%	61%	30%	59%	31%	59%
6. Cases Petitioned (Charge Filed)	23%	67%	25%	65%	29%	61%	29%	62%
7. Cases Resulting in Delinquent Findings	23%	68%	25%	65%	29%	62%	28%	62%
8. Cases Resulting in Probation Placement	28%	62%	28%	61%	32%	58%	24%	57%
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	40%	49%	35%	55%	45%	44%	44%	46%
10. Cases Transferred to Adult Court	24%	51%	46%	9%	49%	35%	30%	37%

(Source: Utah Disproportionate Minority Contact, Juvenile Justice Center, 2010)

In addition, district 1 released data for grades 7th through 12th but did not provide elementary or middle school data (see Table 4.5). This is a lamentable data boundary, given that researchers on discipline policy (Arcia, 2007; Skiba, Peterson, & Williams, 1997) cite middle school as the school grade level where increased discipline infractions occur and students are derailed from a more academically rigorous track most frequently (Civil Rights Project, 2000). Poor data systems are a frequent institutional barrier to better understanding the policy implications of zero tolerance and discipline policies. Often, most districts, or schools, do not have the capacity of closely monitoring discipline data, much less doing so in a racial/ethnic disaggregate format. The lack of a structure or system to monitor data is often related to resources and staff capacity, not due to a lack of willingness or interest by a school. This dynamic impacts the type of analysis that can be conducted on data. As a result of the differences in data variables and these limitations across the two participating districts, the data were analyzed in different statistical models and independently of one another.

Table 4.5 District 1 Descriptive Statistics

	Minimum	*Maximum*	*Mean*	*Std. Deviation*
School	1	38	17.96	11.346
Chicano	0	1	.66	.475
Grade	0	12	7.46	2.911
Low Income	0	1	.78	.417
Special Education	0	1	.30	.459
Math Class 2007	1	4	2.66	.867
Math Class, 2008	1	4	3.02	.747
Infraction1	0	0	.00	.000
Infraction2	0	1	.59	.499
Infraction3	0	1	.45	.522
College Ready Math	0	1	.64	.481
Math Exam Proficiency	0	1	.49	.503

N=658

The logistic regression presented in Table 4.6 was set up with disciplinary infractions as the dependent variable. This analysis found that Chicano ethnic identity, income, and grade level were the most significant variables for district 1. Meaning the identity of a student impacts the amount of discipline infractions a student can statistically expect. A Chicano racial/ethnic identity indicates a high likelihood of disciplinary infraction at a significance level of $p < 0.05$, suggesting that Chicano students have a high probability of experiencing disciplinary infractions simply based on their racial/ethnic identity.

The second variable with a significant result was the low income variable. Wu et al. (1982) conducted research on school suspensions using a national data set from the Safe School Study and found that although while low-income students had high likelihoods of suspensions, the key-determining factor for suspension was racial/ethnic bias. In my study, the variable low income was significant at a $p< 0.05$ level, in alignment with previous research that correlates racial disproportionality with socioeconomic status (Skiba et al., 2002). According to previous research (Arcia, 2007; Skiba et al., 1997), grade level is also an important indicator of disciplinary infractions.

Table 4.6 Logistic Regression Analysis of Students Who Received a Discipline Infraction

Predictor	β	*S.E. β*	*P*	*Odds Ratio*
Constant	-0.840	0.154	0.000	0.432
Chicano	0.957	0.399	0.017	2.603
Zero Tolerance	-0.094	0.416	0.821	0.910
Low Income	1.168	0.479	0.015	3.216
Math Class	0.128	0.253	0.612	1.137
School	0.001	0.014	0.945	1.001
Grade	-0.382	0.082	0.082	0.683

N=199, -2 Log Likelihood is 229.514, Cox & Snell R2 is .068, and Nagelkerke R2 is .097

Previous studies found that the majority of disciplinary infractions occurred during middle school grades. This analysis did not produce statistically significant findings for grade level, but the statistical significance of 0.08 does offer promise that it plays some role in disciplinary infraction.

Through a CRT lens, this logistic regression supports the tenets within the framework, which suggest there is an embedded pattern of racial bias and racism in the ways disciplinary infractions are distributed. The most significant indicators of infractions are tied to racial/ethnic identity. Additionally, a correlation accompanying this regression found that race/ethnicity and low income have a strong relationship with a significance at $p < 0.001$. These findings indicate an association between race/ethnicity of Chicanos and a high likelihood of disciplinary infraction.

4.1.2 Hierarchical Linear Model

This study is framed in a mixed-method approach through a LatCrit and CRT theoretical lens. This approach extends the statistical analysis of hierarchical linear modeling (HLM), and logistical regression with experiential knowledge of participants. These two sources of data, combined in this way, triangulate and work off of each other in a harmonious manner. The qualitative data speaks to the gaps in the quantitative data, given that the numbers do not inform experience. In the same way, the quantitative data allows for a broader understanding of patterns that exist that inform the narrative of students who experienced discipline policies in practice. Furthermore, both methodologies carry equal weight and value in this study. Findings from this study suggest that when analyzing a policy within education, it is beneficial to apply multiple methodologies and have diverse data to best examine research questions (see Table 4.7).

Table 4.7 District 2 Descriptive Statistics

	Minimum	*Maximum*	*Mean*	*Std. Deviation*
School	404	780	609.64	141.340
Ethnicity	0	1	.27	.442
Grade, 2007	7	12	9.53	1.702
Low Income	0	1	.37	.482
Special Education, 2007	0	1	.13	.336
Math Class, 2007	0	4	2.26	1.212
AP Math, 2007	0	1	.08	.265
Special Education, 2008	0	1	.12	.326
Math Class, 2008	0	4	1.91	.951
AP Math, 2008	0	1	.08	.276
Infraction, 2007	1	2	1.58	.495
Infraction, 2008	1	2	1.46	.499
Math Exam Proficiency	0	1	.62	.487
College Ready Math	0	1	.13	.341

N=3957

4.1.3 Logistic Regression

Additionally, Table 4.7 illustrates a description of the student break down in district 2. This district provided data on students in the type of math class, whether this class was AP or not and special education. These variables inform the way discipline infractions may impact academic access, in particular because district 2 provided data for 2007 and 2008.

These variables also indicate the role of income and racial/ethnic identity has on discipline infractions. Additionally, grade level is an important variable to better understand when infractions are higher or lower. Literature points to middle school, and this variable is important for understanding this dynamic in Utah. Below you will find what these relationships look like by student characteristic.

HLM is a statistical technique used when the data are from participants who exist within different levels of a hierarchical structure (Osborne, 2000), providing the opportunity to study multilevel data (Raudenbush & Bryk, 2002). HLM is useful to study the impact of discipline on Chicano students in that most researchers have applied statistical methods that control for only one variable at a given time (Gordon et al., 2000; Skiba, Peterson, & Williams, 1997; Wu et al., 1982) and do not account for the multiplicity in identity that CRT and LatCrit address (Solórzano, 2002), or of the many variables that are present.

Table 4.8 illustrates the findings from the first HLM model. This model seeks to address research question 1, with data from district 2.

- Research Question 1: What is the discipline trend in Utah for Chicano students? How do these trends affect the disproportionate enrollment rates of Chicanos in college?

This model does not indicate significant findings between race/ethnicity for Chicanos and disciplinary infraction. Rather, Table 4.9 illustrates that a more significant variable in disciplinary infractions is special education, with a statistical significance of $p < 0.01$. According to literature reviewed for this dissertation, special education has a disproportionately high representation of male students of color. In other words, it is probable Chicano students are placed in special education classes at a higher proportion than their White counterparts, and students not in special education are less likely than those in special education to receive a discipline infraction. There may be a relationship between special education and discipline infractions. The second significant indicator of disciplinary likelihood according to Table 4.9 is the level of proficiency. Math exam proficiency has a coefficient of -0.083, at a $p < 0.01$ significance level, which

Table 4.8 Final Estimation of Fixed Effects for Discipline Infractions

Fixed Effects	Coefficient	S.E.	*P*
Intercept, β00, P0	1.661	0.211	0.000
Chicano Representation, β01, P1	1.352	1.864	0.520
Ethnicity, β10, P1	-0.049	0.083	0.549
Low Income, β20, P2	0.044	0.085	0.604
Special Education, β30, P3	-0.266	0.099	0.008
Math Class, β40, P4	0.052	0.058	0.366
Math Exam Proficiency, β50, P5	-0.083	0.473	0.082

Intercept Tau β_o 0.099, $\chi^2 = 70.71766$

may indicate that students with higher math exam proficiency are less likely than their counterparts to have disciplinary infractions such as zero tolerance infractions or any other type of infraction.

However, in HLM model 1, analyzed with district 2 data, the variable Chicano representation, which indicates schools with higher rates of Chicano students, did not yield statistical significance, nor did race/ethnicity. The interpretation of these findings should consider that special education did yield significant results and previous research supports this finding by indicating the strong relationship between special education and race/ethnicity, more specifically referring to the overrepresentation of male students of color in special education courses. In other words, previous research has already found that male students of color have a disproportionately higher placement into special education.

Tables 4.9 and 4.10 present the second HLM model seeking to answer research question 2 with data from district 2.

- Research Question 2: To what extent do disproportionate discipline patterns for Chicano students resemble a prison pipeline rather than a college pipeline?

Table 4.9 Final Estimation of Fixed Effects for College Readiness

Fixed Effects	Coefficient	Odds Ratio	S.E.	*P*
Intercept (β0)	0.339	1.403	0.204346	0.097
Zero Tolerance (γ00)	-2.862	0.057	0.294521	0
Infraction -Other (γ01)	0.247	1.28	0.233707	0.291
Chicano (β1), (γ1)	-0.516	0.597	0.055502	0
Low Income (β2), (γ2)	0.08	1.083	0.05651	0.157
Special Education (β3), (γ3)	-1.247	0.287	0.104034	0
AP Math (β4), (γ4)	0.322	0.724	0.109687	0.004
Math Class (β5), (γ5)	-0.0173	0.983	0.01649	0.294

Intercept Tau (β0) 0.00073

Table 4.10 Final Estimation of Fixed Effects for College Readiness with Robust Standard Errors

Fixed Effects	Coefficient	Odds Ratio
Intercept (β0)	0.337	1.403
Zero Tolerance (γ00)	-2.862	0.057
Infraction -Other (γ01)	0.247	1.280
Chicano (β1), (γ1)	-0.516	0.597
Low Income (β2), (γ2)	0.080	1.083
Special Education (β3), (γ3)	-1.247	0.287
AP Math (β4), (γ4)	0.322	0.724
Math Class (β5), (γ5)	-0.0173	0.983

College readiness is an index/measure I developed that includes the student's Criterion Reference Test proficiency in math over 2 years and math course enrollment according to the Utah System of Higher Education math requirements and math course by grade as described by the Utah State Office of Education. Researchers (Adelman, 1999; Johnson, 2002) have found that math courses are of extreme importance for college readiness and higher education persistence. Therefore, this measure of "college readiness" is important in an effort to understand the impact disciplinary infractions have on Chicanos and their college readiness.

The HLM model 2 indicates findings of statistical significance of student ethnicity at a significance of $p < 0.001$ for zero tolerance infractions, low income, and special education. Zero tolerance infractions have a negative coefficient, suggesting that students who receive zero tolerance infractions, consisting of long-term off-campus suspension and expulsions, have a negative likelihood of -2.862 at being college ready. Ethnicity also had a negative coefficient, meaning that the Chicano racial/ethnic identity is a negative measure for college readiness of -0.516. Similarly, students in special education are found to have negative coefficients at -1.247. Previous research supports the notion that students in special education are less likely to be college ready.

For students in AP math courses, this variable yielded positive statistical significance at a level of $p < 0.005$ with a coefficient at 0.3322388. It is also well documented that students who take AP math courses and participate in gifted and talented education (GATE) programs have a stronger educational foundation and preparation to be college ready.

Consistent with the CRT and LatCrit lenses that inform this study, various steps were taken to center Chicano students through this statistical analysis. Findings from this

analysis are triangulated with qualitative data to provide a richer set of findings with the dimension of experience. These data are presented in a series of student narratives describing each of the participants. Following is an analysis with themes and key concepts. Researchers (Casella, 2003a; Reyes, 2006; Skiba et al., 2002) have found apparent links between the increases in juvenile incarceration of students of color and the decrease in persistence within educational institutions. Casella (2003b) found that many of the adults he interviewed who were incarcerated were also illiterate and had begun getting into formal "trouble" since they were in middle school. Through a CRT lens, experiences shared by students in this study coupled with findings from the literature (see Kim, Losen, & Hewitt, 2010), are evidence of parallels between schools and juvenile detention centers (prisons).

4.1.4 Summary

The quantitative data in this study resulted in several key findings. Among these key findings is evidence suggesting the need to reevaluate the purpose and impact of zero tolerance discipline policies. More specifically, this study found the way discipline policies function as leaks in the educational pipeline for Chicanos.

Preliminary analysis of student data found dramatic patterns of disproportionality among discipline infractions for Chicano and White students. For instance, Table 4.3 indicates Chicano students represent 34% of the sample for district 1 and made up 69% of discipline infractions. The rate for Chicano discipline is quite significant when contrasted with White students who made up 66% of the sample representation but who had 36% of discipline infractions. Chicano students made up half of what Whites did in the sample representation, but had double the zero tolerance infractions and nearly double

all other infractions. Table 4.4 illustrates district 2 had similar patterns of disproportionality. In district 2, Chicanos made up slightly over a quarter of the sample and had nearly three times the disciplinary infractions of their White counterparts. The first significant finding, therefore, is that in Utah, two large school districts had an overrepresentation of Chicano students receiving disciplinary infractions. Furthermore, the disproportionality was evident across severe zero tolerance citations and more general disciplinary infractions.

A second important finding from this study is tied to the academic standing of Chicano students, which is frequently influenced by disciplinary infractions by way of removal from the instructional setting. Data from district 2 (Table 4.6) show that, whereas Chicano students made up slightly over a quarter of the students, they comprised only 3% of advanced math (including algebra 2, trigonometry, and/or calculus). White students made up nearly 20%. This significant gap in access is along racial lines (Solórzano & Ornelas, 2004) and corroborates the finding that advanced math is closely tied to access to college readiness (Adelman, 1999) and higher education persistence (Johnson, 2002). In other words, Chicano students have less access to becoming college ready or preparing for college persistence as a result of limited access to advanced math courses.

The logistic regression conducted for this study resulted in the identification of a series of variables that were significant indicators for disciplinary infractions, leading to another noteworthy finding. This analysis found that Chicano students were more likely than Whites to be cited for a disciplinary infraction with a level of $p < 0.05$ or at 98% likelihood. This analysis found income, like race/ethnicity, to be a predictor of disciplinary infractions.

In this study, the majority of Chicano students were of low income backgrounds, as were many White students, but when race/ethnicity is also applied to the analysis a higher proportion of Chicano students is disciplined than low income White students, indicating that if looking at the significance of income, researchers should also account for race/ethnicity. Another indicator this analysis found is the student grade level, at a likelihood of 91%. The finding that grade level is significant parallels the results of previous studies that found middle school grades to have the highest incidents of disciplinary infractions.

The fourth significant finding is that the college readiness measure illustrated the variables that most impact (positively and negatively) a student's college readiness. College readiness was analyzed through an HLM model, with the finding that Chicano ethnicity, zero tolerance infractions, and students in special education are all variables with a negative effect on college readiness with a significance level of $p < 0.001$. On the other hand and from the same sample, students who had AP courses in math, were White, and were not low income were the most likely to be college ready.

The HLM model and logistic regression both demonstrate that race/ethnicity plays a significant role in discipline prediction and college readiness. For Chicanos specifically, their racial/ethnic identity can have a negative influence on their probability of being disciplined and the likelihood of having access to courses or adequate preparation for proficiency in math standardized exams.

Lastly, of the findings I found to be the most striking, the fifth is the growth in juvenile incarceration rates for Chicano youth in Utah. According to Table 4.7, in 2006 Chicano youth made up 9% of juvenile arrests but that number tripled to 25% by 2008. Chicano youth have also been referred to juvenile court three times more than White

youth for the last 4 years. Similarly, Chicano youth are three times more likely to be in secure detention than their White peers. The patterns of juvenile detention, court, and arrests for Chicano youth are similar to the rate at which they are being suspended and expelled.

In summary, this study found that Chicano youth are at the highest risk for zero tolerance and discipline infractions and are at high risk for juvenile detention and arrests and are disproportionately overrepresented in both figures. These patterns, coupled with limited access to college readiness, result in a lower likelihood of attending college and a higher likelihood than their White peers to be incarcerated as youth and later adults.

The following student narratives are in response to research question 3:

- How does a critical race theory and LatCrit lens interpret disproportionality in discipline patterns and their relationship to college access among Chicano/Latino and White students?

4.2 Cesar S.

"We start seeing ourselves through the eyes of the people that hate us"

–Immortal Technique[4]

Cesar is 30 years old and is a long-time community activist in Utah. The passion he has for social justice is evident upon meeting him; he appears to be the type of person to put the well-being of everyone around him before his own. His educational pathway led him to the University of Utah, although it was not a traditional or easy journey.

[4] Immortal Technique is a hip-hop artist of Afro-Peruvian descent as well as an urban activist whose music is considered conscious and politically inspired (Immortal Technique MySpace Page).

4.2.1 Identity

Cesar was born in the Bay area of California. He moved around as a young boy, but most of his life was spent in Utah. When asked how he self-identifies racially/ethnically, he replies, "I'm Chicano to the bone," without a second thought. His parents are from Guatemala, and when asked about his identity as a Chicano he says that he identifies with the "Chicano struggle" because it "unites" him and gives him a "sense of belonging." This sentiment ties to what Vigil (1998) points out: Chicanozaje includes a historical awareness of the Chicanos' role as oppressed members of society. Chicanos stress the acts of being (how the past shaped them) and becoming (how they will shape the future); (p. 251).

As a youth, Cesar learned English as a second language and recalls being placed in lower level math courses because English was not his primary language. He had few racial/ethnic peers in school who were as aware as he was about their own racial/ethnic Chicano identity. To reinforce himself, he participated in traditional Mexican folkloric dance and embraced what he viewed as cultural sources such as Chicano music and arts. Delgado Bernal (2002) and Yosso (2004) both discuss the importance and power that cultural capital and cultural wealth have in the educational experiences of Chicana/o students. These forms of capital include practicing and perpetuating cultural traditions such as *ballet folklorico*, in that it serves to support Chicana/o students in developing resiliency to navigate a society that excludes Chicana/o youth.

Since Cesar was one of few Chicanos going to school, he connected most with other peers of color; in his case these students were Pacific Islanders. He believes that they had a collective experience as young brown men and he found support in their friendship. Villalpando (2003) discusses the important role friendships among

racial/ethnic peers play for Chicana/o students, particularly in navigating higher education institutions successfully. Villalpando (2003) describes this as a strategy Chicana/o students have implemented for self-preservation. Cesar expanded those peer group boundaries for support with a racial/ethnic group that shared a similar experience of marginalization and historical underrepresentation in Utah schools. In describing his educational experience, Cesar notes that as a student, he struggled academically, finding out much later in life that he needed eyeglasses to see. He still suffers from a slight learning disability, which affected his academic performance.

4.2.2 Discipline

In middle school, Cesar estimates being suspended nearly 10 times and nearly half as many times in high school. On average his suspensions would last up to a week. This equals roughly 10 weeks in middle school that he was out of an instructional setting and 5 weeks in high school. He attributes many of his middle school suspensions to his vice principal "having it out for him." Cesar describes breaking up fights among his peers and being the one who would be reprimanded and suspended for being "nosy."

He is an outgoing and creative person. He describes being suspended for selling savory Mexican candies on campus. He tells of how he would buy a bag of candy for a couple of dollars at the store and sell the candy to his peers at school for a few cents. He came up with this idea, one that required entrepreneurial skill (finance, accounting, marketing, etc.) and yielded a slight profit for him to use to buy lunch. He was caught and suspended for not having a vendor's license and selling on school grounds. One of the students who bought his candies became very sick because the student sniffed the white powdery candy (the candy is a sodium-based, salty candy called *limon*). Cesar

remembers feeling really scared and concerned about potentially "breaking the law" and recalls, "I was just doing it to get extra money for lunch and just to have extra money cause I never had any….It sucked 'cause that was my money and how I made my money to eat."

This experience parallels what Rios (2007) describes as "multispatial criminalization," that is, that male youth of color – particularly Latinos and Blacks—are "hypercriminalized" in that they are criminalized in multidimensional layers and multiple social settings such as in school. In Cesar's case, he was criminalized for a creative and innovative way of fundraising for his lunch money, and it quickly became a criminal act receiving punitive repercussions.

This process of hypercriminalization of Chicanos can often be attributed to the perceptions Whites have of Chicanos. These perceptions tend to be racial stereotypes (Solórzano & Yosso, 2001) informed by the racial priming of Whites (Smith, Yosso, & Solórzano, 2007). Racial priming is a set of ideologies, behaviors, and thoughts Whites learn during their formative years and share with their families, school, friends (Smith et al., 2007), and the media (Solórzano & Yosso, 2001). Racial priming "predisposes Whites to unintentionally or intentionally endorse racial stereotypes while embracing an ideology of race neutrality or color blindness" (Smith et al., 2007, p. 561). Racial priming works to perpetuate racial stereotypes of Chicanos as criminals; and thus, Chicanos are thus constantly perceived as a threat.

4.2.3 Educational Experiences

Cesar's teachers and administrators saw him as nosy and a criminal, but his lifelong dream was to become a doctor. He had several family members who were

doctors and that is what he wanted for himself. He says math was his favorite academic subject and he even participated in programs to support underrepresented students in preparation for higher education: Upward Bound and MESA. However, somewhere along the line, and coinciding with his disciplinary infractions, he began taking less rigorous courses and began buying into the racist and deficit view his teachers had of him. Consequently, his grades began to drop.

However, these feelings about his self-image did not come entirely as a result of the disciplinary infractions Cesar experienced; they also came as a result of the relationships he had with his teachers. Cesar describes a teacher in history who was very politically conservative and a racist and who would, for example, describe Mexicans as "stupid" while teaching about the Treaty of Guadalupe Hidalgo. Cesar recalls this teacher making his students listen to Rush Limbaugh and frequently discussing his political views, which made Cesar and some classmates feel unwelcome. These types of experiences over time caused Cesar to become angry and feel marginalized in that classroom.

However uncomfortable that history teacher made him and his classmates, Cesar also recalls a teacher who was welcoming and supportive, Miss Chris. He remembers her fondly as he describes her,

> It was awesome to have her there and have the consistency there you know, throughout those years. It was always nice to have someone to talk to when you were…you know…needed it too as well. And, she just made an effort to keep in touch. She was never judgmental, and she would always try to encourage you to do better things… [it was] just her openness, just her, just how she was just welcoming to anybody. It didn't matter who you were…Maybe she was real educated and in touch with other cultures, too. You know, when you have somebody you can talk to that is not going to judge you, that is going to just listen to you – it makes it easy. It gives you a place to go and a place to feel better about yourself when you are feeling down. I think that's what she provided.

Cesar describes the most important thing Miss Chris did was to be open to students and, above all else, listen to them. This teacher provided an outlet for students who often felt marginalized in other classes and did not feel comfortable talking with other teachers. Although Cesar does not describe her race/ethnicity, in a previous part of our conversation he says all his teachers were White, suggesting that the race/ethnicity of the teacher or administrator does not always matter; they can still be supportive and mentor Chicano students.

Cesar struggled academically, despite access to MESA and Upward Bound. He graduated with a very low GPA and was required to take evening classes in order to graduate. When asked what he thought led to his academic struggles, he replied that being suspended and taken out of class had so much affected him.

> I definitely had to catch up. I don't think I ever did to be honest with you. I think the teachers would have probably helped me and everything, but I didn't…I think my grades did suffer because of that. But it wasn't that alone. I think they suffered because of many other things. I lost interest in school at one point too.

Even though Cesar knows he could have raised his grades and even believes teachers would have worked with him, he did not pursue that as an option. His description of losing interest is an example of him being self-defeating as a way to demonstrate his resistance (Solórzano & Delgado Bernal, 2002). He did not consciously take action as a political act, rather he did not want to invest in an educational system that was not welcoming. In this way, by losing interest and not picking more challenging courses, he only hurt his own educational career.

Cesar describes the overall effect disciplinary experiences had on him, coupled with racist rhetoric from teachers. He says, "I got sick of everyone like telling me how it should be and teaching me in ways that I didn't quite agree with…I mean it damaged me,

it definitely damaged me." He goes on to say that he knows he "could be further in life if it wasn't for that." By saying that, Cesar is referring to the ways in which he was treated and made to feel in class, which affected his career prospects. When reflecting on how he felt going through the disciplinary process, he responds, "Like a fuck up…straight like a fuck up…like I was born to get in trouble…it happened so much that it became natural." These feelings of inadequacy led to Cesar's disinterest in school. I point again to where he says that after a certain point, he just "started picking less challenging courses." When asked how he responded to disciplinary infractions and teachers' treatment of him, Cesar talks about being "rebellious." This language further highlights the degree to which he internalizes his treatment on campus.

When recalling his educational experience, Cesar points to how influential school practices were in affecting his educational and career aspirations. When Cesar was young he was asked to take a standardized test that would evaluate his aptitude and refer him to potential careers he should consider. Cesar vividly remembers the results of this test, which suggested his career options should be either in cooking and/or agriculture instead of his childhood dream, becoming a medical doctor. The accumulation of these educational experiences with discipline, in the classroom and through these types of tests in the aggregate, affected his educational outlook because as he says, after a while "they killed my dreams; they shattered my dreams of being a doctor."

4.2.4 Resistance

Solórzano and Delgado Bernal (2001) outline a variety of forms resistance can take, including empowering forms of resistance that are informed by a historical and contextual understanding. That form of resistance they call "transformative resistance."

Transformative resistance is considered "resistance capital" whereby students are resisting their treatment with socially conscious and equity driven goals; however, there is also a self-defeating resistance Solórzano and Delgado Bernal (2001) describe, which is one of conformity or one that damages the self (also see Yosso, 2005). In retrospect, Cesar is aware of the way he began to adopt those more "oppositional resistance" practices in self-destructive ways.

Being targeted and constantly being disciplined began to affect Cesar's self-image and academic standing; again he points to this when he says, "I lost interest in school at one point too." In part, his disinterest occurred as a result of off-campus suspensions (being out of his instructional setting and off campus) and struggling to catch up, upon return to school. While feeling like the work he needed to catch up on was "really easy" for him, it was the not caring that led to his falling more and more behind. In retrospect, he understands how self-destructive it was not to do all his work while he was suspended. To catch up, he feels it was his way of "rebelling back" at his teachers and the school system. In this way, his self-defeating resistance came into play. Cesar acknowledges, "It's not that I couldn't do the work…but at the same time, I disagreed with how they were treating me. That was my way of rebelling back, which is completely stupid now that I think about it right, cause it affected my grades….It affected my outcome." He believes that his educational experiences of discipline and with teachers changed his life's outcome as an adult.

Cesar points out that "rebelling back" or his self-defeating resistance is not unique among young Chicanos.

> I think of a lot of minority kids are rebellious for the simple reason that they are not heard. Just like me, and I know there is hundreds out there. This is just how they speak out, this is how they belong…and the mentality that if you are

> not going to let me be who I am and teach me, and treat me different, then I am going to be different…and you are not going to like it. But at the same time they don't sit there and realize that hey, we are affecting ourselves. Like Immortal Technique says, 'We start seeing ourselves through the eyes of people that hate us'….

Cesar believes what he and other Chicano youth experience in schools, with regard to the criminalization process, impacts the ways youth respond and resist. In other words, Cesar believes students respond to the ways they are perceived and treated. Students eventually internalize the reflected deficit views. He explains that some Chicano youth internalize and buy into the false and racist perceptions they experience.

> If you think I'm a fuck up, if you think I'm a gang banger, if you think I am the type of person that is going to graffiti up the school, then fuck it, I'll do it, and I'll do it bigger and better than you ever think….It's like no matter what I do, I'm always going to be treated like shit. So, I might as well do what I want to do.

In retrospect, Cesar says he realizes that he was doing damage to his own future and life by feeling the need to prove himself and states, "You don't stop and think and process, like hey, this is affecting my people." His ways of resisting were at times what Smith (2007) refers to as maladaptive or self-damaging. However, at the same time, he is cognizant that those feelings derive from deficit perceptions of who he is as a Chicano; he states, "I think it's [the internalization of deficit views] self-made. Not by us but by the teachers and the administration. I think they created the problem." In the last statement he is recognizing what often occurs for Chicano students—they internalize the negative portrayals fed to them by their environment (Rios, 2007).

In Cesar's case, he went through what Solórzano and Delgado Bernal (2001) call a transformative resistance, in that he has experienced a "conscientization" or a critical awareness brought on by social justice awareness, critical self-reflection, and praxis, conscientization-driven action (Freire, 1970; Valdes, 1996). Friere (1970) developed the

foundation of critical reflection and praxis and LatCrit scholars have pushed those boundaries further by establishing praxis as a central guidepost of LatCrit (Valdes, 1996).

4.2.5 Policy Recommendations

Near the end of our conversation, Cesar began to describe the ways he would suggest lawmakers turn education around for Chicano students.

> They underestimate what kids really know. The kids know the problems they are going through, they know the struggle. They might not be able to articulate it as good as adults, but listen to them, I think the legislators need to listen to them. They [legislators, policymakers, and school officials] don't understand that what youth need is to be encouraged and loved, and to be accepted in order to keep going and succeed. Giving the youth a sense of belonging and understanding and pride of who they are…instead of having to learn who they are from music, TV images, and media images, that they have nothing to do with really.

Cesar's closing thoughts are also echoed in Freire's (1998) Pedagogy of Freedom, where Freire urges educators "To listen to the student's doubts, fears, and incompetencies that are part of the learning process. It is in listening to the student that I learn to speak with him or her" (p. 106). Cesar's policy recommendations do not require any funding; they require only a willing set of educators and education policymakers.

4.3 Oscar Grant

"Even though I walk through the valley of the shadow of death,
I will fear no evil, for you are with me; your rod and
your staff, they comfort me"

– Psalm 23:4[5]

Oscar is a 19-year- old, hard-working young man born and raised in south central

[5] This biblical saying was passed on to him from friends Oscar grew up with in Los Angeles. This quote was meaningful to him and a reminder to know God is with him.

Los Angeles until he was middle school-aged. Oscar grew up working for his father's businesses with very strict guidance from him. Oscar Grant self-identifies as Aztec to honor his indigenous heritage, although he also self-identifies as Chicano (Acuña, 1988; Vigil, 1998). By identifying as both Aztec and Chicano, Oscar is honoring the struggles of his ancestors. This became most salient for Oscar during his transition from LA to Utah, which presented him with unique questions and experiences that shaped his identity, education, and outlook.

4.3.1 Identity

Oscar vividly describes his educational experience in Utah as one full of conflict. The conflict he describes occurred within two marginalized racial/ethnic groups. These intraracial dynamics are not uncommon when groups frequently compete for scarce and limited school resources such as teacher and/or school official time and physical space on school grounds. When talking about his initial experience in Utah schools, he talked about some teachers who assumed he did not speak English and others who thought that because of where he grew up (south central LA), he must be a gang member. He initially felt surprised that teachers assumed he did not speak English and had just emigrated from Mexico. He says, "I'm kind of light skinned to be considered Latino. I'm not as brown as many other Latinos." Oscar assumed his light phenotype would allow his teachers to perceive him as American. He also believed that it was obvious he was not coming to Utah from Mexico,

> I don't know, just – the appearance gives it away as well 'cause I'm not like coming out fresh out of Mexico … any of that how they consider it. I guess I'm up to date with style, clothes, and all that.

Oscar thinks they treated him as though he did not belong or was not American.

According to Johnson (1997), phenotype plays a significant role in the identity formation of Chicanas/os and the degrees of assimilation they decide and can take. For instance, like Oscar, a lighter phenotype is typically associated with greater assimilation in American/White culture because light skin is often less associated with stereotypical characteristics (i.e., dirty, criminal, gang-affiliated). However, although Oscar's skin is lighter and he feels he can be perceived as less Chicano, as Johnson also describes, there are contradictions in this identity formation due to the degree of assimilation one assumes in contrast to the perceptions of others. While Oscar's phenotype is lighter and he thought it afforded him a differently framed identity, his city of origin and his clothing also impacted the way his new teachers in Utah saw him.

Not only did teachers think he had recently arrived from Mexico because of his surname and racial/ethnic identity, but they also affiliated him with gangs as a result of where he migrated from and his style of dress. As early as the Zoot Suit style of clothing in the 1930s and 1940s, Chicanos have assumed a particular style that has frequently been used to stereotype and identify youth with negativity and problems (Vigil, 1988). As Vigil (1988) points out in discussing the style of dress of Chicanos historically, "along with the functionality of clothing style, barrio tradition plays a significant role. It is a way to identify with the past, one's roots so to speak, by dressing like someone from the past" (p. 110). When teachers assumed he was a gang member because of his origins in Los Angeles, his dress, and with whom he surrounded himself, Oscar was surprised, even more so that the teacher accusing him of being a gang member would not listen to him explain he was not a gang member. He talks about this occurring not in a subtle or nuanced way, but blatantly. He was actually told, not asked, "So, you are a gang member," without an opportunity to respond. Oscar said this occurred repeatedly and he

had to constantly clarify for teachers,

> I told her no…But does that make you a gang-member because you are around a lot of Latinos? I can't remember what she said—something about us being in a bunch together makes us naturally a gang related crew. I looked at her, I was like…I was puzzled and surprised, like…wait…what?

Oscar's disbelief of teachers' accusations of gang involvement made it obvious to him that the teachers were not seeking answers or explanations from him, but were in fact categorizing him and simply letting him know of this categorization. Additionally, he was labeled a gang member because of his friendships. Villalpando (2003) talks about a similar occurrence in higher education, where Chicana/o undergraduates network with each other and rely on each other for peer, academic, and social support systems that the institution cannot provide. His finding was that for Whites, this is deemed normal and unnoticeable; however, Chicana/o students were accused of racial balkanization. In other words, students were accused of self-segregating. Rios (2007) also points out that for Chicano and Black youth, if they are together in public as friends, the assumption generally is (by dominant group adults) that they are gang members and/or they are plotting criminal mischief.

In Oscar's case, his teachers assumed he was gang-affiliated because of who his friends were (his friends were all Chicana/o), his style of dress, and the city he moved from. In his case, his phenotype provided him with fewer privileges tied to Whiteness than he had previously experienced. According to Johnson (1997), based on the diversity among Latina/o phenotypes ranging from darker skin and indigenous features to blond hair, blue eyes, and White skin, "experience with discrimination based on physical appearance varies greatly among Latinos" (p. 1291). While Oscar was not accustomed to this type of discrimination in Los Angeles, he quickly learned the fluidity of

discrimination and microaggressions many light-phenotype Chicanas/os experience.

4.3.2 Discipline

Oftentimes, groups of color feel oppressed, powerless, or unheard within an institution and this leads to increased cross-group tensions and at times in this case, Brown-on-Brown conflict. In effect, these groups are competing for the few resources made available to them, which results in groups that are experiencing similar marginalization to turn against each other. Oscar describes experiencing these tensions at school,

> …I started having conflict with some Polynesians. I didn't know anything about them when I first came here. From what I've heard it was more of a race hate. So you know they were just there to fight the Mexicans, the ones that looked like they would put up a fight and then they would jump in – in numbers. That's what I heard from a lot of Latinos that were there in [that school].

Oscar tells of a time he was leaving the school grounds with his sisters and a friend. They were approached by a group of Pacific Island students. This encounter quickly escalated into an altercation, but since Oscar had two of his sisters with him and he was just with one other male friend, he was not looking to fight a whole group, so he tried to minimize it and get out of the situation. They were followed by the Pacific Island students. At one point, Oscar and his friend and sisters could no longer avoid conflict. Just as it was about to become a full-blown fight, a mentor named Jaime came out and pulled him back. Jaime calmed Oscar down and warned him that he and his friend were out- numbered and it was not something he should put himself through. Luckily, Oscar was able to get out of a fight; however, one of his friends was not so lucky and began fighting with the group. According to Oscar, as this is going on two police officers came to break up the confrontation and as the Pacific Islander American students ran away, his

friend was detained and beaten by the officer. Administrators had come out as well and were keeping Oscar's friend from escaping the officer's grips.

Though the afternoon's events were over for Oscar, he was sent to the principal's office upon arrival for his first class the next day. The administrator informed Oscar that they were made aware that he was involved in a fight and was being expelled from school for it. "They told me that 'you were doing bad in school anyway so we were planning to kick you out either way.'" With that Oscar was sent home. Although Oscar felt that he deserved another opportunity to stay in school, his presence at the fight after school indicates that he played a role that may have been more active than what he portrayed.

Before leaving, Oscar asked the administrator what would happen to the Pacific Islander students who were also involved in the altercation and was told, "We are only going to suspend two or three of them because they were the ones mainly involved and the other ones were just there to watch." When Oscar reminded the administrator of the school policy that states that even people who watch and do not fight (like himself) are also suspended, he was told, "They weren't too close to you guys when you guys were arguing, so we are not going to suspend them." Oscar describes feeling targeted and questions the fairness of discipline policy implementation. After this conversation, Oscar was escorted out of the administrator's office by a police officer.

Being escorted out by police officer was not the end of Oscar's punishment. He was informed that he "did not have to return" to the school again. Prior to this, the school had failed to inform him of his high risk for expulsion; he had received no warning. He had already begun meeting his assigned mentor, Jaime, and was doing extra work to catch up on his grades and be eligible for passing to the next grade. However, he was expelled indefinitely that day. His school had not provided him with alternative

educational options or further contact information beyond telling him "he could consider the alternative high school." Which school, or when he could go, or what he needed to give the school prior to starting were all questions he walked away asking himself.

4.3.3 Educational Experience

When discussing his educational experience prior to expulsion, Oscar describes teachers who profiled him as a non-English speaking recent immigrant from Mexico who was also a gang member, none of which reflects who Oscar believes he is. These stereotypes of Oscar held by school officials are in line with what Valencia (1997) describes as deficit based. Oscar also describes classroom incidents where he felt very uncomfortable.

> I remember this one teacher from history….She went down to the indigenous culture, how we [Mexicans] were all savages and all that. She said we were all savages and that we sacrificed people and all that. She put that all out there. So, I didn't feel comfortable, I was like you know—whatever, I don't care. That's their point of view – that's the White history, the White perspective of us. That's why I kind of fell back on classes, because I stopped paying attention because I didn't care.

Oscar describes the ways in which teachers impact how students develop their identity through curriculum; however, he also talks about his resistance to the definition offered by the teacher about his ancestors and explains it as a Eurocentric perspective rather than what he believes or knows to be his history. Even while he experienced teachers like this and felt little support, he was able to connect with an administrator, Jaime. He describes him as "an afterschool program guy" who was also from Los Angeles and a Chicano.

Oscar met Jaime through his sister and really connected with him. When elaborating why he connected so well with Jaime, for Oscar, it was not about him being a

Chicano from LA; it was beyond that.

> He's [Jaime] a really cool guy—he's really down to earth, just really forward with stuff. He's not a guy that sort of has a cocoon and sort of blocks….He was more like 'if I respect you, you respect me.' That's something that I cherish. Like- if you respect me, I'll respect you…He came up to me with respect, shook my hand—looked me in the eye…so I respected the guy…

For Oscar, it was critical to feel respected and be seen as a person. Jaime provided academic guidance and support as well as kept him out of trouble whenever possible. This is very similar to how Oscar describes his transition to the alternative high school he was forced to attend after being expelled out from his high school.

The alternative high school Oscar managed to enroll in and attend, with minimal guidance from his high school or school district, was a significant contrast to what he had previously experienced in educational institutions. He went on to talk about the difference, "They don't treat you like you're a dumb ass….The teachers at [the alternative school]…treat you with respect. They treat you like human beings. Cause at [the regular high school], I felt I was kind of like a dog." Oscar points out that while many alleged "trouble makers" were kicked out of his previous school and sent to the alternative school, in his tenure there, he witnessed only one fight and it was between female students.

Oscar believes the difference in how students are treated by school officials and teachers led to such a peaceful campus climate and positive student-teacher relationships,

> Teachers that give you respect, just treat you like actual human beings like an adult or anything like that—students themselves treating themselves with respect and they start becoming more adults to me. They're not like in [the regular high school] how you get treated like you're a piece of shit.

Additionally, Oscar describes the pedagogical approach he experienced with teachers at the alternative school as a reciprocal learning environment and credits this with also enhancing his educational experience at that school,

> In [the alternative school] we all go together. Teachers learn from us and we learn from them…teachers are so down to earth that they will learn from you too, they will teach and learn at the same time…it's not that they tell me [the curriculum or their approach is reciprocal], it's that you notice it.

The sense of support from his new teachers at the alternative high school permitted Oscar the latitude to focus on his academic achievement rather than the hostility he experienced from his educators at his previous school. The relationships between teachers and students trickle down to student-student relationships (Pizarro, 2005; Valenzuela, 1999). He talks about calling his teachers by their first names and eating lunch in the cafeteria with teachers and the principal at the alternative high school and how that dramatically impacted the quality of experience and the entire campus climate. Teachers were predominantly White at both schools; however, the type of relationship significantly shifted and this shift also motivated Oscar academically and his grades reflected that.

4.3.4 Resistance

In retrospect, Oscar seems to understand that there is a dominant and Eurocentric perspective embedded in curriculum and schools as institutions (Ladson-Billings, 1995; Sleeter, 2001), but his first school experience affected his self-esteem. He says, "[I] just worried about myself…it's more like they don't care about me to fuckin learn or any of that so then why should I?" He was also convinced that if high school was that challenging and teacher relationships were that negative, he should not go to college because it would only be worse there.

> I wouldn't want to go [to college]. I would just rather work and make a living with hard labor! I don't care. I don't need it. I don't need that kind of shit in my life. I don't need anybody giving me any negativity. That's what I thought about myself, it was like, fuck – if they don't care about me then I'm not going to care about me…

Oscar internalized the treatment he received from his teachers and the curriculum from his high school. This experience affected his performance at school and his future. He began to resist these feelings in maladaptive ways. Solórzano and Delgado Bernal (2001) talk about the impact students have within their resistance. Oftentimes, students of color can resist in ways that are self-destructive and, even more dangerous, internalize the treatment they receive and believe it as a way of resistance and defiance (Yosso, 2009). His resistance to this treatment and the perceptions imposed on him and the negativity he felt led him to not care about his person.

> They don't care, they just care about numbers. It sucks because we are seen as numbers, it's like we are in prison. We're inmates at [the regular school]. We are numbers to them, we are not Oscar Grant or any of that to them. We are not human beings.

At one point, Oscar provides an analogy for school systems and how they function for Chicana/o and other underrepresented youth – he says schools are like a ladder that as you climb, becomes narrower and has broken or missing steps the higher you climb it, so that it is nearly impossible to move up the ladder for youth of color. He compares this with the educational system, in that the further you go in it, if you manage to, the greater the barriers are to move up each level (Ladson-Billings, 1995). Oscar believes it is meant to be this way for students of color.

4.4 Sandino

4.4.1 Identity

"...you blame gangsta rap, when you got to blame
the people that set up the conditions
that gangsta rap talks about"

– Ice Cube

Sandino is a 22-year-old, self-identified Latino who is as passionate about social

justice as he is about his family. He possesses a very reflective manner, allowing him to be very open and transparent. Growing up, Sandino connected most with youth from Honduras and Guatemala, as he was a Guatemalteco and Salvadoreño born in Los Angeles. As he grew up and moved to Utah, those connections began to change. He began to learn about the Chicano *Movimiento* and saw his values reflected within it and began to self-identify as a Chicano. Sandino is part of the Brown Berets,[6] and he is very involved in his community through Brown Beret grass root efforts. As his involvement has grown, his identity has again shifted. He identifies as a Latino, as he explains, "mainly because that's the only identity that…doesn't exclude me from anybody." This identity coincides with his increased interest in more broadly engaging underrepresented Latino communities.

Another identity Sandino grew up contending with in Utah, at a time when there were fewer Chicano youth, was the identity of a *cholo* or gangster that was, at least in the beginning, often stereotypically imposed on him. Later, he would join a gang and participate in gang-related activities and dress. However, Sandino's formal gang membership came later in his life. In the beginning, he describes the ways educators and school officials frequently profiled him as a gang member and how he constantly had to counter their assumptions. Sandino had to negotiate and navigate school politics fully aware of that identity,

> …any time you tell anybody you're Salvadorean – you all of a sudden you get this whole… "MS 13, you have tattoos right?" It's automatic like, I mean for every Salvadorean…but I think for a Salvadorean that's young and brown, and male and has tattoos…it's an automatic assumption.

[6] Brown Berets are a political grass roots organization that seeks to "empower community through education, culture and self-determination" – From the Brown Beret Website.

These encounters with teachers and school staff who assumed he was a gang member and Mexican caused Sandino to become defensive about continually having to correct and explain his identity to everyone around him. He describes a climate of hypersensitivity because of his identity, "If you are brown and you get into a spat or any kind of argument with a White student – you lose, straight up!" He ties this to the perceptions placed on him as a young, male, and brown student. As he explains, "I had a couple of altercations with White people, whether male or female, and if you respond in anyway – in anyway, you are already part of the problem."

The hypersensitivity Sandino felt was in response to the perceptions White students, teachers, and staff have had of him. His analysis of how his phenotype and the way he looked affects how people view him in a more deviant light than his White peers is based on his experiences in school. Rios (2007) describes how Latino and Black youth are labeled as deviant within institutions that were traditionally intended to nurture Latinos, such as schools. Rios (2007) asserts that this process of hypercriminalization occurs at an early age and as result in "punitive policies that treat juveniles as adults" (p. 28). Sandino's darker phenotype, his racial/ethnic heritage, and how he dressed, even before his gang membership, all informed the external assumptions formed and held by school officials. This process imposes stereotype-based socialization on Chicano youth in an environment traditionally thought to be a safe space.

From the beginning of the interview, Sandino disclosed his brief gang involvement, talking about how he came into that identity as a result of peers who became friends during the earlier years of disciplinary infractions. For Sandino, joining a gang was in response to the ongoing exclusion he experienced from school institutions and it became his way of creating a sense of belonging and support. However, it is

important to note that long before he participated in gang activities, his teachers and other school officials had already assumed he was part of one. Sandino says that he was not aware of educational programs and the educational programs he was informed of were for gang-related youth and were not academically based, further removing him from an academic pipeline.

Due to the ways in which he was stereotyped and falsely identified through his educational experience, Sandino continuously asked me to consider the larger economic and social reasons male youth of color are criminalized and stereotyped. He argued that youth respond through culture, dress, and music as a reaction to the context in which they grow up, and given that Chicano youth tend to grow up in lower-income households, the blame for their lack of college readiness is misdirected. He then shared Ice-Cube's[7] quote, which he paraphrased and I opened his narrative with, "You blame gangsta rap when you got to blame the people that set up the conditions that gangsta rap talks about." Sandino believes youth of color respond to their environments but they do not create the larger economic and social circumstances in which they live. In other words, perceptions of Chicano male youth hyper criminalize them, rather than criminalize the larger social conditions that push youth to participate in elicit behaviors. In a similar manner, CRT and LatCrit seek to contextualize and provide a history for the educational experiences of Chicano youth, so as to account for those larger systems influencing the participant's identity and educational trajectories (Parker, 2003; Pizarro, 2002; Valencia, 1991). These frameworks also interrogate the deficit view of Chicano youth that exist in society.

[7] Ice-Cube is a rapper, actor, screenwriter, film director and producer who became better known for his early work with N.W.A., a group that spearheaded the west coast gangsta rap genre in Los Angeles, California (www.icecube.com).

4.4.2 Discipline

Sandino recalls a story about being in middle school, just having moved to Utah from Los Angeles as a poignant moment in his educational experience. He learned several important lessons about racial/ethnic identity politics and how they permeated the school system he was now a part of.

Due to the recent move to Utah, his family had limited resources, but that did not bother him because he was still able to enjoy special treats. For instance, his family had bought him what is ordinarily a coveted shirt – an LA Galaxy shirt, which he was very proud of because, as he pointed out, "it was the first year the MLS was playing." Not only did he wear the shirt with pride, but he received compliments from his White peers. Given his family's limited resources with the recent move, he happened to wear the shirt twice in the same week and one of his classmates who had previously complimented his shirt noticed. This classmate, a White male, began harassing and making fun of him for being "broke" and "poor." When he responded in his own defense, he was the one reprimanded by the teacher as the aggressor. This was his introduction to the ways he would be treated at school by peers and by school officials. This exchange with his peers was to be the first in a long series of microaggressions that he experienced while a student. According to Solórzano (1998), racial microaggressions are racially violent encounters that occur in subtle ways and have cumulative effects on the victimized.

On another occasion in high school, as he was going through his locker, someone behind him slammed him against the locker, and began questioning him, "Have you been fighting?", "What have you been doing?", "Where are you from?" Without an explanation or charge, the gang-unit police officers began going through his locker and he began to respond to the questions by telling them, "I ain't no gang banger!" They were

not going to engage in a conversation with Sandino and instead they yelled at him, ordering him to take his shirt off so they could look for tattoos. This incident occurred between classes in the hallway, during break, and in front of all his peers. He says, "I felt they did that to degrade me, to make me feel like shit." Instances such as this are what Rios (2007) refers to when he says that often actors charged with ensuring the safety and well-being of youth, such as school officials and safety officers, are those who hypercriminalize Chicano youth and treat them as automatic deviants.

Another disturbing experience Sandino shared describing his disciplinary experiences was how the school staff, including campus resource officers and security guards, behave toward the students they perceive as "trouble makers" or gang members when there is an altercation,

> Usually, they'll just tell you to go – to go to class and something like that, but if you actually start getting into it – like getting into each other's faces or yelling at each other, then they'll like get you or throw you around, beat you up and then take you to the office and they will just tell you not to do it again or they will be like, "I'll suspend you for three days"…Things like that…

Violence against students is not closely documented in traditional reports on K-12 school violence, such as the the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, typically known as the Clery Act, in higher education. There is, therefore, seldom any accountability or protection for K-12 students when they have experienced violence from a school official.

Whether Sandino was sent home for what he was wearing or how he was wearing it, harassed by peers or he was being accosted by the gang unit, in the cumulative, these experiences taught him to be sensitive to the way he was being perceived by others as the constant aggressor, automatic gang member, and constant deviant. He became aware that his body was criminalized and monitored by authorities.

When asked about accountability, Sandino informed me that his parents were never called or informed of disciplinary infractions he was being accused of, nor did he ever realize he was formally being suspended and eventually expelled.

> When they kicked me out they didn't even tell me, they just sent me a letter that said "your records have been dropped from Rocky Mountain High School and they are sending you to the alternative school". They didn't even tell my parents. I remember I got the letter and I went to my friend's house cause he lived close, "hey dog I'm going to the alternative high school" and he's all like, "I'm going too!" They didn't even tell us they just sent us out a letter...I was 15 at the time.

Once he began the alternative school, his educational experience dramatically changed. Notably, he describes the discipline policies at this new school as more strict, and yet still dramatically different for him.

4.4.3 Educational Experience

Sandino could not continue his education at the regular high school as a result of his disciplinary infractions. Eventually, he began to internalize the deficit views and treatment he received from school officials. According to Sandino,

> Getting sent home, not wanting to go to class, not taking any engaging classes, you know? Being stuck in the same class all the time – I had to take pre-algebra 3 years in a row, even though I knew what I was doing, I just had to retake it because I did pass it. I think that affected me a lot. I really think I could have easily gotten a scholarship and a 4.0 the whole time. I just didn't want to be in school anymore.

The internalization of microaggressions occurs as a form of resistance (Rios, 2007; Solórzano & Delgado Bernal, 2001). Although it is self-defeating resistance, Rios (2007) believes "it is a form a resistance, as a strategy to defy the very same process of criminalization" (p. 28). However, Rios (2007) also points out that while youth internalize as a form of resistance, if they are given the chance to take on a "less violent" or gang identity and environment, they quickly do so. For instance, soon after arriving at

the alternative school, Sandino began to focus on his schoolwork and for the first semester received a 4.0, straight A's.

Though this beginning was a positive one, it was promptly interrupted with a brief period of detention in juvenile hall for some infractions he was charged with. Sandino had been charged with assault and attempted robbery but was hesitant to discuss the details of the incident. During his court proceedings Sandino felt the juvenile judge he faced (also a Chicano) was determined to "teach him a lesson" by incarcerating him for the longest time possible. In his case he was incarcerated for months, but Sandino points out that had he not had a 4.0 the judge would have incarcerated him for over a year.

In an effort to explain to me why Chicano youth often do not return to a college path after any involvement with juvenile court, Sandino outlines the process in detail, to illustrate the dehumanization that occurs in the process of juvenile court and incarceration.

> When I got locked up, I was standing in front of the judge and right then he told me I was going to be locked up. The same day, I got handcuffed and the bailiff took me downstairs to like the *sotano* beneath the big ass courthouse. They sit you down in this little room; shackle your hands and feet. You're shackled like an animal and you're in a cell. You're in a cell and you're shackled like this and then they grab all the people that are in there with you and they put you in this little ass van, all *todos amontonados* on there and they drive you the detention center. You get there and they put you in this glass box, and one by one they start processing everybody. And then, after everyone gets processed, what they do is check you for stuff. This is the worst part. So they send everybody over there, you know and they make you take all your clothes off. You already know what they do then, right? It's funny cause…well it's not funny cause the CO's [Correction Officers] will walk around and they will look at you and laugh at everybody, and do things like that. They make you feel like crap. So you are just sitting there like this, and naked, and…all these other fools next to you and you're little, you know? I was 15…then they finish shackling you up again and they take you to your cell.

This detailed account describes how he and other young males were processed at juvenile detention centers. He wanted to convey this as vividly as possible with the hope

that I would understand why youth who experience this extreme dehumanization often have a difficult time returning to traditional educational pathways.

Appearing in juvenile court, and being processed into the juvenile detention facility for incarceration, was a traumatic experience for Sandino,

> Once you get locked up, you just don't really care anymore. Like, that's some of the most degrading stuff and even for young kids and I know for a fact that juvenile corrections is way less bullshit than prison or than jail…but like, at the same time, the stuff they do to you there….They are preparing you for prison. They are not there to help you out; they are preparing you to feel like a piece of shit.

Rather than internalizing the experience entirely, he found outlets to empower himself, such as religion, friends, and reading, and he became resilient after surmounting this tremendous hurdle.

Once released, Sandino continued to attend the alternative high school. He credits his experience in the alternative high school, which he points out was very different from regular high school, for his academic success, high grades, and a scholarship he received. He attributes this remarkable academic shift, from not caring about school to being on the school honor roll, to the alternative school's pedagogies, administration, teachers, and relationships among students. For example, Sandino had several options to complete his assignments and different ways he could make up his points for participation, whereas in his regular high school classes there was only one option for all students and if students did not meet those requirements, they did not receive additional opportunities for make-up.

> I think their [alternative school] main priority is to develop a relationship with their students...They are really no nonsense too...But at the same time, all the teachers there are under the understanding that they are there for the students. And that's the first things they tell us like, "we are here for you"…when you do something wrong, *no te regañan*. They don't make you feel stupid. They treat you like an individual…You call them [teachers] by their first name. Relationships are developed between teachers and students outside of the

classroom, too. Sandino describes having lunch with teachers and there is a mutual respect established from the beginning. One of the ways Sandino describes it is being seen as "a human being." There is a sense of ownership of their education for students at the alternative high school that does not exist for them at traditional schools. For instance, at this school, older students will help impose school policies with new students who are trying to "act up."

By the time Sandino graduated with his high school diploma from the alternative school, he had won a national service award for his service, was still on the honor roll, and had won a college scholarship that his school matched. He used this scholarship to attend the local community college, and after 2 years, he transferred to the state's flag-ship university.

4.4.4 Resistance

A strong passion fuels Sandino's educational journey. He describes the ways in which being committed to social justice helps him navigate the higher educational environment where he is often the only Chicano in class and often feels marginalized. His attendance at the university is a significant achievement since it was not always viewed as an option for his future.

> 'Cause you don't see school as an option – right…'Cause you know it's the same stuff, it's the same people…the same way they are going to be treating you….Like, I didn't even dream of college.

Part of his disbelief that college would be an option when he was in middle and high school came from the limited exposure he had to related programs.

> They didn't offer – like, now I look at high schools and there is like all these programs for high school students. Why the fuck didn't I know about Upward Bound? Like, why didn't I know about all these kinds of programs? I didn't even know. I didn't even have a chance to know about those things.

He reflects on the only programs he knew about being tied to gang members and feels as though he missed out on opportunities that could have placed him in a college-bound track.

> I feel like I wasted 10 years of my life, you know? Like – 'cause nobody gave a shit. And it's not even about me, you know 'cause there are just so many kids out there…and it's getting worse. It sucks 'cause I'm not that smart, it may be part of that too right – I don't have much self-esteem with that but, I know for a damn fact that these kids are a lot smarter than I was, and you know? They are having to go through the same shit. Having to go through people not giving them a second look, already assuming what they're going to do.

Sandino believes that students internalize the treatment they receive based on false notions and perceived misconceptions of who they are as brown male youth. That internalization leads them away from academic pathways and pushes them out to the street.

> Like these kids get it too, that little constant nagging thing in the back of their head, telling them look "they're never going to do what they want to do and this is the best you got – you might as well fuckin do it kid." And if this is all I got…if the hood is all I got, then I'm going to do that shit to the fullest. If I ain't going to be shit, might as well be the best at not being shit.

Sandino is a very passionate young man and upon reflection, realizes the problematic ways in which he resisted school officials, lessons in class, and teachers. However, he also articulates the importance of resisting and how with some awareness of power structures and historical contexts, young people can resist in positive and empowering ways (Solórzano & Delgado Bernal, 2001). Yet, this did not dissuade him from pursuing his potential, and this interview took place at the university where Sandino is now a sophomore. He plays an active role in community organizations to support other youth of color in realizing there are empowering routes they can take by teaching culture, history, and outreach to the Latina/o community.

4.5 Findings From the District Data

The logistic regression analysis in this study found that race/ethnicity and low income are the most important indicators for disciplinary infractions. Through a CRT and LatCrit lens, this finding supports what researchers have claimed with regard to the hypercriminalization of Chicano students in schools and highlights the ways in which school discipline policies are not color-blind or objective.

These findings also refute claims proposing that the high rates of disciplinary infractions are not tied to race/ethnicity but rather to low income. This district data analysis found that race/ethnicity and low income were nearly interchangeable statistical indicators. Thus, this logistical regression led to the conclusion that disciplinary infractions are not only the result of low income, and ignoring race/ethnicity is to overlook one of the most significant indicators for predicting discipline infractions.

The HLM model with data from district 2 identified some important academic indicators for college readiness. This model found negative effects of long-term suspensions and expulsions for Chicano student college readiness. Meaning long-term suspension and expulsions will derail students from instructional settings and impact GPA, and thus, impact college readiness. Chicano identity and special education are also negative indicators for college readiness, suggesting that being a Chicano already positions you against being college ready. Chicanos in special education and with zero tolerance infractions are negatively impacted in terms of college readiness, again for academic access and performance reasons.. As expected, students who have access to AP and GATE courses, White students, have a high likelihood of being college ready.

4.6 Common Themes and Key Concepts

Interview data led to a series of common themes that emerged from the participants with regard to their experiences with school discipline, among the most prevalent of which is the resistance and resiliency of students. Students often described their self-defeating resistance in their general K-12 educational experiences, but all participants had reached a transformative type of resistance (Solórzano & Delgado Bernal, 2001) by the time we spoke.

In this way, student participants had persisted in school and occupied a space of empowerment and resiliency that helped them overcome their marginalizing educational experiences and socialization and own their educational and professional futures. By being community leaders and positive mentors for youth and participating in community and engaging in political activism and service opportunities, the participants in this study had drawn from their families, communities, and selves for strength and used those sources for perseverance.

One of the most consistent ways in which students were able to be resilient was when they experienced an exchange or relationship with a school official who showed them respect, *respeto*. Those were transformative experiences they described as critical to their self-respect and helped to make them feel humanized. This respect also came about via pedagogies some schools operate from, how they teach and the overall school philosophy, which includes teachers who are more open to getting to know students in depth. Students ate lunch with teachers and felt comfortable meeting with and making suggestions to top-level administrators.

Lastly, a theme that came up frequently—and that evoked a great deal of emotion—was that school officials often operate from a deficit framework. This deficit

framework results in students experiencing racial microaggressions. These microaggressions, racialized offenses, and affronts (Smith, Yosso, Ceja, & Solórzano, 2009) impact a student's self-image and stress levels and exacerbate intergroup tensions. Students described classroom situations, peer interactions, and larger campus situations that were all traced back to a deficit lens imposed on them by their teachers, counselors, administrators, security guards, administrative staff, and peers. Schools with deficit frameworks and a heightened sense of microaggressions produce a more hostile environment.

CHAPTER 5

CRITICAL RACE THEORY SCHOOL DISCIPLINE POLICY ANALYSIS

"Regrettably, students of color are receiving different and harsher disciplinary punishments than Whites for the same or similar infractions, and they are disproportionately impacted by zero tolerance policies—a fact that only serves to exacerbate already deeply entrenched disparities in many communities" (Thomas, 2010).

Speaking on behalf of President Obama, Assistant Attorney General Thomas E. Perez outlined the many ways in which school discipline policies such as zero tolerance are creating damaging trends for students of color. He described brief statistics and pointed to a school-to-prison pipeline that must be derailed; however, missing from his critique was a mention of another group heavily affected by these policies, with an ever-growing representation in prisons. Chicano youth are the fastest growing population nationally, and education continues to be a critical determinant of long-term financial health for them. The following policy analysis seeks to answer research question 3:

- How does a critical race theory and LatCrit lens interpret disproportionality in discipline patterns and their relationship to college access among Chicano/Latino and White students?

School discipline policies have undergone extreme shifts over the last 2 decades. The purpose and outcome goals for school discipline policies have changed so dramatically it is difficult to discern the original intent of such policies. Additionally, as

the policies have changed so too have the boundaries of implementation and key stakeholders in school discipline policies. School discipline policies and practices, therefore, are complex, contradictory, and multidimensional. In this chapter, I will look at school discipline policies in the context of Utah through a combined critical race theory lens coupled with Lipsky's (1980) work on policy actors and bureaucracy. Using a race-conscious theoretical framework to analyze these policies is important in that the larger study focuses on Chicano students.

5.1 Methodology: Critical Race Theory Policy Analysis

Critical race theory is combined with policy analysis to apply a racial lens when deconstructing a policy, resulting in critical race theory policy analysis. This study focuses on Chicano students and as youth of color, the race-conscious framework lends itself to a more in depth analysis and a focus on Chicano students. According to researchers who have advocated for a CRT policy analysis (Lopez, 2003; Parker & Villalpando, 2007) and those who have carried out this new methodological analysis (Aleman, 2006; Parker, 2003), a critical race theory policy analysis is helpful in centering race and thereby unmasking the process and ways in which policies marginalize and oppress communities of color. In this study, by centering race within a school discipline critical race theory policy analysis, the following examination can be conducted on zero tolerance:

1. A context is provided that includes tracing the policy and policy relationships and those historical legacies. The discipline policies under zero tolerance were intended to protect students from firearms and drugs; however, the policy as it is now implemented is laden with racial bias and personal

interpretation by school officials (Reyes, 2006; Skiba, 2002). Locally, the development of discipline policies within zero tolerance, when analyzed through a critical race theory lens, took a clear target in legislative hearings and outlined specific groups that would use this policy. Knowing the history and context of the local policy development provides a better understanding of how the practice and implementation of such policies is not free of bias or prejudices.

2. The guise of color-blindness, fairness, and equality is lifted to reveal the biased material nature of the policy. When the context and history of zero tolerance discipline policies are coupled with trends and current rates of racial/ethnic discipline distribution, a pattern of racial/ethnic disproportionality emerges that negatively impacts Chicanos (USOE, 2006; UCR, 2006) and questions the alleged fairness and color-blindness of these policies.

3. Voices that are traditionally marginalized in the policy making process are incorporated into the analysis in an effort to disrupt traditional policy actor narratives through the use of counter storytelling. This critical policy analysis will incorporate the voices of an elite policy maker, a Chicano legislator and a street-level bureaucrat, a Chicano juvenile judge. These voices tend to be traditionally marginalized in education policy discourse (Aleman, 2006) and research. In this way, critical policy analysis serves to incorporate the traditionally underrepresented voices into the policy discourse on Chicanos.

Through these guideposts, CRT offers an alternative lens that centers marginalized experiences, and contextualizes and historicizes counterstory telling, thus making it a critical race theory policy analysis. In this way, the policy design, implementation, and outcomes are explored in this critical race theory policy analysis with the additional framework of Lipsky's *street-level bureaucracies* (1980) to focus on the policy actors in the formation and implementation of Utah's school discipline policies.

5.2 Street-Level Bureaucrats in School Discipline Policy

Lipsky (1980) couples with CRT well in that an analysis of street-level bureaucracies deconstructs the ways in which policy actors use their positional power to change and create policy. Lipsky (1980) argues that street-level bureaucrats impact the lives of people they work with due to the discretion and autonomy they possess. Street-level bureaucrats have authority over people in very important material and psychological ways. These bureaucrats operate in organizations with many rules and regulations that are shaped by policy elites (such as legislators); (p. 14).

Through their discretion and autonomy, street-level bureaucrats become policy makers (Lipsky, 1980, p. 14). The policy-making aspect of their roles comes as a result to the discretion to interpret and implement policy. For instance, a school principal has the discretion of deciding when to suspend a student and when not to, and the same discretion to deem a student's infraction a violation of zero tolerance policy. The principal who is the street-level bureaucrat in this instance has modified the policy as it is written and created a new policy. By creating new policies, street-level bureaucrats appropriate the formal policy and add their own interpretation to it (Levinson, Sutton, &

Winstead, 2009, p. 768). This appropriation is described by Levinson et al. (2009) as one that occurs within a confined organization and is referred to as communities of practice (p. 769). Schools, in this study, are considered to be communities of practice. In this critical race theory policy analysis, the roles of principals, teachers, and juvenile judges as street-level bureaucrats are reviewed.

> Public service workers [such as school principals, school officials, teachers and judges] who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work are called *street-level bureaucrats*…The ways in which street-level bureaucrats deliver benefits and sanctions structure and delimit people's lives and opportunities. (Lipsky, 1980, pp. 4-5)

Teachers, for instance, teach and assess the progress of students. Teachers have discretion over how to teach and how to assess, and they have a certain amount of autonomy to do so. On the receiving end, students are materially impacted if they do not pass their classes. That is, teachers will have direct impacts on students' grade point average, and perhaps even on their graduation and/or retention. Furthermore, teachers can impact students' psychological wellbeing by the ways they teach and what they say to students. Teachers, therefore, play an active role in socializing youth within the classroom setting. Students, as Lipsky (1980) points out, "resign themselves to inferior levels of service if they have nothing to compare the performance of their agency with similar agencies elsewhere" (p. 53). If students have always been treated in this way by educators and school officials and do not have a comparison and, further, if they do not have the necessary information to understand their rights, they are likely to take the mistreatment. There is a moment of acceptance and internalization of this treatment, ultimately resulting in the student taking ownership of being treated this way. However, there is a tipping point where this treatment will likely result in some form of student

resistance (Solórzano & Delgado Bernal, 2001).

The socialization process students experience can be positive or negative in the way it impacts a student. For example, teachers can impact students to such an extent that they no longer have confidence to continue in school. Students internalize the treatment and socialization and begin to believe the ways in which they are treated are either true or deserved (p. 9). Students can also resist in maladaptive ways that are self-destructive and can have long-term repercussions in their lives (Solórzano & Delgado Bernal, 2001; Yosso, 2005). Principals can have the same impact in different circumstances, particularly with approaches to discipline.

According to Solórzano and Delgado Bernal (2001), Chicana/o students have various forms of resistance or oppositional behavior as a result of mistreatment: reactionary behavior, self-defeating resistance, conformist resistance, and transformational resistance. They describe reactionary behavior as a student who "acts out" without a social critique; self-defeating resistance is described as student awareness of oppressive conditions but participation in behaviors that are self-defeating in response to those conditions (p. 317); conformist resistance is described as the desire of students for social justice; however, they do not have an institutional/social critique (p. 318); and transformational resistance is described as a behavior in which students are aware of oppressive conditions, and their actions are informed by a social justice consciousness (p. 319).

Oftentimes, school officials create an oppressive environment by appropriating a discipline policy and redefining the implementation of those policies to the detriment of Chicano students. Students, in this study, participated in self-defeating resistance when they were aware of the oppressive conditions they faced in education; however, they

responded in ways that negatively affected themselves further (see Chapter 4 for more details).

5.2.1 Utah Zero Tolerance Policy Development

Zero tolerance, as an umbrella school discipline policy, has national guidelines; however, once the policy and other policies related to it reach the state level, legislators can modify, add, or edit various elements of school discipline policies. Levinson et al. point out that policy is a "complex, ongoing social practice of normative cultural production constituted by diverse actors across diverse contexts" (p. 770), referring to the continuous nature of policy and the power policy has to produce normative culture. Zero tolerance policies changed in Utah when a newly elected republican legislator took office. This legislator represented one of the most racial/ethnic diverse districts in the state.

In 2007, when State Representative Hutchings took office, his agenda included an effort to indicate to his conservative counterparts that he was committed to the tradition of conservative politics and to education. He took his wife's teaching experiences in a highly racially/ethnically diverse school in his district, and drafted and proposed legislation that would connect school districts directly to juvenile justice courts. His idea was to make schools safer and transform them into spaces that were conducive to learning. When Representative Hutchings' bill was on the house floor for a hearing, he vividly described the rationale for his proposed legislation and began by describing current discipline policy implementation and practices,

> It was explained to me that there is what I call "no man's land." You have students that the district can go to a certain point and school can go to a certain point and they will respond very well to all sorts of interventions that the schools can do and the courts can come down to a certain point. And then there is a "no

> man's land" in between – a little collection of kids that know exactly where those borderlands are. They know that as long as they don't cross the line the district really can't do anything and the courts are not going to touch them.
>
> And so, my intent with this legislation is just to close that gap and let our kids know – we care an awful lot about kids showing up to school, we have laws based on truancy making sure kids get to school so that they can get educated.
>
> My concern is very simple, what about that punk kid that just loves coming to school? He doesn't want to come to school to get educated, he just wants to hang out with his yo-yo homies and he doesn't want to be there to get educated, he's just there because that's his stage and he's there to perform. (Utah State Legislative Hearing of House Bill 286, 2/7/2007)

Through a CRT lens, his language to describe the need for this legislation is blatantly discriminatory and explicitly targeted at Chicano students. With phrases like "no man's land," "borderlands," and "yo-yo homies," Representative Hutchings makes it clear who his target population is with House Bill 286. Through a critical race theory policy analysis, it is clear how this policy was racially biased in its inception. The practice of a policy written to target a specific population is highly likely to yield higher infractions for the population for which it was written, the population of color. House Bill 286 (Enrolled 2007) institutionalizes that "a school-age minor who receives a habitual disruptive behavior[8] citation is subject to the jurisdiction of the juvenile court" (p. 1 line 24, 25).

Most states have a statewide discipline policy, including Utah, but in 2007 the Utah discipline policy was connected with juvenile courts. This policy amendment now creates a policy bond between schools and juvenile courts, which are directly linked to

[8] According to House Bill 286, the term "disruptive" includes (but is not limited to): "frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language" (p. 5).

juvenile detention centers, thus institutionalizing the schools-to-prison pipeline. Furthermore, the policy also now includes juvenile judges among the discipline policy actors.

5.3 Key Policy Actors Behind the Policy

The two policy actors who participated in this research as elite participants are Chicano. These participants are State Representative Michael Arias and Juvenile Judge Arnold Rodriguez. These participants were selected for their insight into education policy and their involvement with impacting and shifting the Utah discipline policies as they are created and implemented. Their roles are highly visible and have a legal precedence.

However, these are not the only participants who play a role. Within the process of policy interpretation and ground-level practice, that is, those who practice interpreting these policies within the school and at the ground level, are teachers and principals. Principals and teachers are on the street-level, in other words as Lipsky (1980) describes, street-level policy actors function like street-level bureaucrats. They interact directly with students and have ample discretion in the interpretation and implementation of policy.

> The ways in which street-level bureaucrats deliver benefits and sanctions structure and delimit people's lives and opportunities. These ways orient and provide the social (and political contexts in which people act). Thus every extension of service benefits is accompanied by an extension of state influence and control. (Lipsky, 1980, p. 4)

Within zero tolerance policies, teachers and principals impact the lives of students immediately with discipline infractions but also socialize the students who are disciplined. Principals and teachers operate as the state's arms through the interpretation

and implementation of zero tolerance policies to the extent that the state is the source of the policy.

Zero tolerance imposes extreme punishments by way of automatic suspensions to students for minor infractions (i.e., dress code violation) without consideration of the context or circumstances (Kim, Losen, & Hewitt, 2010). By enforcing zero tolerance policies in this way, teachers and principals are working as street-level bureaucrats and socializing students via extreme punishment for minor offenses. The punitive nature of these punishments may inform why students who are suspended have a greater likelihood of grade retention, being pushed out of school, or committing a serious crime and being incarcerated as adults (Kim, Losen, & Hewitt, 2010, p. 78).

Both elite participants in this study are Chicano. One identifies as a Mestizo in honor of the multi-racial/multiethnic blended heritage of Chicanos. Both grew up in Utah and have lived in Utah all of their lives. Both grew up in a single parent, working class household. Both are prominent members of the Utah community, and lauded members of the Chicana/o community for their achievements, but they entered their careers for different reasons.

5.4 Policy Actors or Street-Level Bureaucrats?

State Representative Michael Arias describes his motivation for running for office: "I got involved basically to help, to make change for the positive, especially for our community – 'cause I know the struggles, the barriers that we've had…." His specific interest in education stems from his belief that "education is the key to success." He describes the legislature as one operating through a color-blind framework, making

his efforts of advocacy for underrepresented students more challenging in a heavily Republican, Mormon, White, and male legislature.

> A lot of the legislators who sit on the education committee don't believe it should be relevant whether or not somebody is a Chicano or Black, or Native American. They think it's just "about the children." But we know through history and through having grown up in this community that it does matter and it's important to make sure that we know the statistics because they generally have a negative effect on our populations or they seem to be compounded.

Similarly, Juvenile Judge Arnold Rodriguez found that while he practiced law at the federal and state levels, there was minimal decision-making and leadership on the bench with the perspective he would bring. "I always thought, you know, why not me? And so, I wanted to be a judge essentially to, you know, be the…decision maker." Given his background and his experience growing up as a Chicano in Utah, Judge Rodriguez describes his approach as one of "problem solving" rather than the approach of his colleagues—majority White and male—who engage in juvenile court as "a crime and punishment court" instead of holistic and rehabilitative, like the court he leads.

Both participants' philosophies and perspectives of House Bill 286 (Hutchings, 2007) are similar, but they play different roles in discipline policy development. Representative Arias sits on education committees and plays a first-hand, primary role in the crafting and approval of legislation; and Judge Rodriguez ensures youths follow and abide by existing policies. Yet, their positions afford them what Lipsky (1980) identifies as roles as street-level bureaucrats for the autonomy and discretion they possess.

5.5 Bureaucracy on the Ground and in the Street

Bureaucracy on the ground is defined as policy actors taking existing policy as it is written, appropriating it, and implementing their own interpretation at application. These actors are able to take policy and modify it at implementation due to their

autonomy in the organizations to which they belong and due to the wide latitude they have in doing their work (Lipsky, 1980). Often, street-level bureaucrats are aware of the level of discretion and power they have, but they are not always aware of the way that interpreting policy from their own perspective and modifying it or taking what they like from it is appropriation and the creation of new policy.

> Well, I have a lot of discretion, I can make decisions that I feel are in the best interest of the child. That encompasses a lot. I can order parents to do certain things. I have been challenged on that. I have ordered children to be removed from school and find an alternative school that is more conducive to that child's educational needs. I have ordered school districts to test children, and to implement individual educational plans for a child, which is a federal requirement. I have a lot of discretion–that best interest authority gives me a wide-range of discretion to make orders that I think are going to benefit the child.

Judge Rodriguez is aware of the level of discretion he has and while his role is to ensure that a child is held accountable for wrongdoing or receives rehabilitative resources, he extends his judicial duties as a result to the level of autonomy and discretion. Lipsky (1980) asks schools to assess students and make decisions that are relevant to the child's education. Judge Rodriguez takes his role beyond the traditional judicial duties and enforces policies beyond the juvenile, making him a street-level bureaucrat.

5.6 Policy Actors With a CRT Lens

An integral part of critical race theory is understanding that it is not possible for people, practices, or policies to be color-blind or objective given our deeply racialized American history (Calmore, 1992; Solórzano & Delgado Bernal, 2001). Whereas the participants in this study function in many respects like street-level bureaucrats, the unique positionality as insiders-outsiders within the Chicano community does provide them with sensitivity to how color-blindness and the guise of objectivity cloak their

respective organizations. Representative Arias describes how color-blindness impacts the Utah Legislature,

> …we can't ignore the fact and we can't disguise it and pretend that they don't exist because we have such a high dropout rate, we have the achievement gap that continues to widen, and you know we need to gather and make these statistics known…

Representative Arias is aware of the way his legislative colleagues prefer to ignore race/ethnicity and assume an objective and color-blind framework; however, we know from the legislative hearing where Representative Hutchings described the purpose of his House Bill 286 that race/ethnicity and subjectivity permeate all parts of the legislative process. Representative Arias wants to recognize the role of race/ethnicity to counter the educational inequities that exist and are most evident when data are collected and disaggregated by race/ethnicity and gender. He does not explicitly identify with a CRT lens, but he is referring to central CRT tenets by committing to counter dominant ideology (Ladson-Billings & Tate, 1995) and through his commitment to educational equity (Solórzano & Yosso, 2000).

Similarly, Judge Rodriguez describes the prevalence of color-blindness by also acknowledging his own investment in color-blindness,

> I always, I have always kind of resisted that it is all based on race but you know, race comes to play. We can't be race-blind, I mean or racism-blind. We want to be race blind and say we are making a decision just based on the facts and the conduct… but there is; we can't be racism-blind. There is a level of profiling…

He goes on to discuss his perception of how teachers and school officials function in ways that Lipsky (1980) parallels with street-level bureaucracy through their disciplinary practices. Judge Rodriguez goes on to describe the thinking process of the teachers, "I think they are perceiving them and they are stereotyping them. I think they assume that a Hispanic student comes from a certain background and a certain level of

dysfunction…[they] aren't really aware of the child's background you know?" His assessment of educators is that the way they perceive Chicano youth informs their practice, which takes in account the existing policy on discipline, and further exacerbates the racial tones in the policy.

5.6.1 Complexity and Contradictions

Judge Rodriguez and Representative Arias speak to their values and commitment to the Chicano community they are from, but there is some room for additional layers in their perspectives to add to this analysis. The following points are derived from my observations and additional findings of the work of these two Chicano community leaders.

Prior to meeting with Representative Arias, extensive research was conducted on House Bill 286 of 2007. In this research, I found the voting record for legislators on this bill. I discovered that the only other Chicano in the state legislature, a senator, voted against HB 286; however, Representative Arias voted for the bill. In doing so, Representative Arias supported a bill that would heavily impact Chicano students in a negative way, even though he asserts his commitment to improving educational access for Chicano students. When asked why he supported the HB 286, he replied that he was unaware of the potentially harmful, long-term effects on Chicanos. His lack of awareness of the impacts of this bill contradicts his advocacy for data and full disclosure of legislative impacts. While legislators review large volumes of bills, his prominent role in K-12 and higher education committees demands that he cautiously review educational legislation.

Similarly, while Judge Rodriguez is committed to a more holistic approach on the

bench, having observed his work with youth prior to interviewing him provided some complex and contradictory evidence. Judge Rodriguez provided me with the privileged and unique opportunity to watch him decide over a few juvenile court cases. In this experience, his demeanor when addressing youth, some of whom were very young, was sharp and disparaging. In general, it is an established notion that Judge Rodriguez is a dedicated community leader who generally supports efforts that champion Chicano youth; however, in his capacity working directly with youth, his treatment of youth of color would detract from his expressed values and possibly even negate that he is as devoted to Chicano youth as he voices.

These points of contradiction and complexity are important to uphold and recognize, but are not unique. Frequently, administrators and those in leadership roles experience circumstances within their work where their values contradict their demeanor and actions. In this research, these instances are only further heightened with the intricacy of a Chicano identity.

5.7 Discussion

House Bill 286 (2007) was initiated to explicitly target Chicano students. It successfully passed. This bill seeks to remove students from the classroom setting and send them to juvenile court for disobedience. The application of discipline policies broadly results in racially disproportionate discipline rates (Kim, Losen, & Hewitt, 2010; Skiba, Michael, Nardo, & Peterson, 2002). This dynamic can inform the question posed by Skiba, Peterson, and Williams (1997) regarding the source location and origin of racial bias in school discipline policies (p.9). What makes policies such as House Bill 286 critical to the battery of discipline policies under zero tolerance is what Kim et al.

(2010) highlight: “those racial disparities [in discipline policies and practices] carry over into and may be exacerbated by arrests and referrals to the juvenile system” (p. 35).

Kim, et al. refer to the close links observed between school discipline policies and the growth of juvenile incarceration rates and emphasize the long term effect of these in contributing to a racially disproportionate increase for males of color into the juvenile justice system. The stunning similarities between the prison system and many schools located in communities with high numbers of Chicanos is alarming due to the differing roles they play in society. While prisons are said to serve as rehabilitative spaces of punishment, schools are not; and yet the discipline function in schools incorporates this carceral function into school grounds. In this way, schools are mirroring the space of punishment that prison systems have served.

I direct the reader to closely consider the racial disproportionality and bias is in discipline infractions and in arrests, more so than with the direct correlation of these figures. The volume of Chicano youth participating in the school-to-prison pipeline is consistently growing and the rate of Chicano incarceration parallels that growth as well. This speaks to the clear connection between these two entities. However, having said that there is a tremendously similar reflection in the following categories in their overall percentage rates when faced with one.

In this manner, as displayed Figure 5.1, House Bill (HB) 286 and various zero tolerance policies function as the official link between school districts and juvenile courts, thereby bonding two separate organizations into the same pipeline now identified as the school-to-prison-pipeline (Kim et al., 2010). Utah is currently unable to monitor single students as they navigate this pipeline due to data system limitations, however we observe the reflection and bond of these rates.

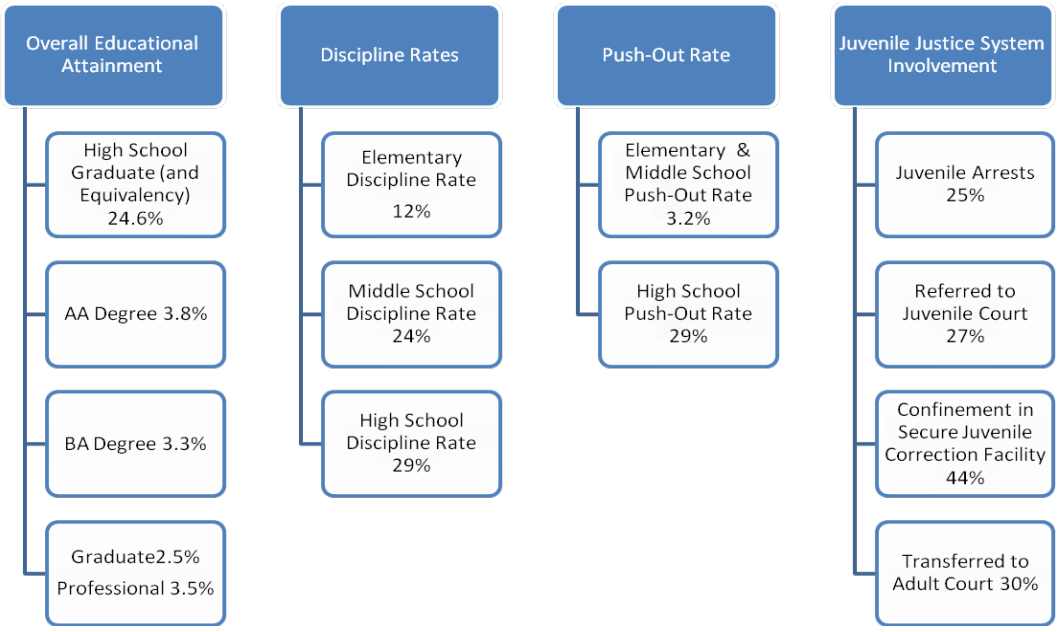

Figure 5.1. School-to-prison-pipeline. (Data Sources: Juvenile Justice Center, 2010; US Census, 2000; Utah State Office of Education, 2009; Utah System of Higher Education, 2009).

- Research Question 3 is: How does a critical race theory and LaCrit lens interpret disproportionatality in discipline patterns and their relationship to college readiness among Chicano and White male students?

Figure 5.1 illustrates the school-to prison pipeline based on the relationships across institutions and patterns of data. For example, a small percentage of Chicanos receives a high school degree or equivalency; however, 29% will be pushed out of high school prior to graduation. Additionally, it is noteworthy that the discipline rate percentage for high school students closely mirrors the rate of high school push out. Vavrus and Cole (2002) found that students who were disciplined had a greater likelihood than their nondisciplined peers to be pushed out of school.

Table 5.1 further demonstrates the ways in which discipline policies are closely

Table 5.1 School and Prison Parallels

Law Enforcement Tactics	Prisons	Schools
Law Enforcement Officer Presence	X	X
Random Sweeps	X	X
Security Guards	X	X
Body Searches	X	X
Property Searches	X	X
Canine Searches/Sweeps	X	X
Drug Tests	X	X
Use of Restraints (handcuffs)	X	X
Interrogations	X	X
Use of Informants	X	X
Seizing Property as Evidence	X	X
Metal Detectors	X	X
Discipline Hearings Without Representation	X	X
Confinement of Detained	X	X
Video Surveillance	X	X
Dress Code/Uniform	X	X

(Fine, 2004; Haney, 2002; Losen & Christopher, 2001; Kim et al., 2010).

tied to those of juvenile justice institutions. Table 5.1 highlights policy-based parallels and shared practices between the two organizations. Kim et al. (2010) highlight practices that are typically unique to law enforcement. Additionally, previous discipline research (Fine, 2004; Haney, 2002; Losen & Christopher, 2001) indicates that school institutions also partake in similar if not identical disciplinary practices. Table 5.1, therefore, lists the analogous practices that position schools to perform much more like a detention center than educational institutions.

5.8 Implications

The implications of this critical race theory policy analysis are relevant to policy making and implementation. This analysis indicates the ways in which the process of crafting discipline policy is saturated with dominant ideologies such as objectivity, color-blindness, and deficit frameworks. Because these ideologies were part of the development of HB 286, they become inherent in the policy implementation.

Applying Lipsky's (1980) framework of street-level bureaucracy, we can observe how policy actors become policy makers when they take a policy (with inherent bias or not) and appropriate it to fit their own perceptions, often resulting in much more discriminatory policies once implemented. These two dynamics combined respond to the Skiba et al. (1997) rationale for not identifying a source of bias or discrimination for male, students of color in the analysis of disproportionate disciplinary rates. The response is part of the implication of this portion of study, that is, dominant ideologies, including color-blindness and false notions. Objectivity occurs along the entire process and throughout the practice of policies given that race and racism are an endemic part of American society and institutions, including state legislatures and juvenile court systems.

CHAPTER 6

SUMMARY, IMPLICATIONS, AND CONCLUSIONS

6.1 Summary

Historically, the education of Chicanas/os has been characterized by exclusionary policies: linguistic exclusions, segregation, lack of access to AP courses, high push out rates, and low higher education enrollment. Chicano students often experience(d) these educational barriers at a heightened rate. This historical context serves as the backdrop for the analysis of current educational discipline policies.

It is important to analyze discipline policies such as zero tolerance in a state in which population demographics are in the midst of a major transition. Utah is such a state. Utah is referred to as a "gateway state" due to a demographic shift from a homogenous White population to a growing Chicana/o population. This means that the general teaching force, primarily of White women, has to teach a population they have never worked with and are not culturally as familiar with. Differences between White female teachers and Chicano students can lead to deep cultural disconnects, affecting how behavior is interpreted. Given this, Utah offers a unique site for the study of discipline and Chicano students. In 2009 Utah Chicana/o population was about 12% (US Census, 2009). In the fall of 2009, K-12 Chicana/os comprised 14% of the population of Utah schools (Utah Office of Education, 2009); by 2010 the school-age Chicana/o

population had grown to 17% (US Census, 2011).

Unfortunately, the rate of growth among the Chicana/o population is not reflected in college enrollment growth or in graduation rates. Chicana/o students do not reflect the enrollment numbers of K-12 in higher education. However, the institution in which the population growth of Chicanos is more accurately reflected is Juvenile Justice Services. Casella (2003a) and others have established that there are links between school discipline policies and various negative outcomes, including increased push outs and involvement with drugs and crime. Previous studies provide significant evidence that school discipline is disproportionately distributed at a higher rate to males of color than to White male students (Reyes, 2006).

The disproportionality in discipline distribution affecting males of color most has been tied to what the literature describes as a school-to-prison-pipeline (Wald & Losen, 2003) for the ways in which it links students who are engaged in suspensions and expulsions to the juvenile court system and moves them away from educational pathways (Raffaele Mendez, 2003).

This research provides an opportunity to analyze this problematic pattern in relation to Chicano students who are typically invisible in broader educational research discourses and in the school discipline research, in particular.

As my literature review finds, a number of themes are raised in the literature:

a) Male students of color are overwhelmingly impacted by discipline policies and practices.
b) Zero tolerance and related discipline policies are constantly evolving and changing from the original intent.
c) The rationale for zero tolerance in schools is based on deficit, race-based

ideals.

d) Institutionalized school-to-prison pipelines are identifiable in several states.

e) Chicanos and their educational experiences are easy targets for school-to-prison pipelines.

The legacy of exclusion of Chicanos in education and rapid population growth coupled with the growing representation of Chicanos in Juvenile Justice Services present a constant need to evaluate the dynamics in education that are interrupting the education pipeline for Chicano students. In this case, I examined discipline policies under zero tolerance. Zero tolerance as an umbrella policy includes various other policies and practices including suspensions and expulsions. Situated within an alleged climate of "postracial" policymaking and culture there is a growing need for educational leaders to look at gaps in the Chicana/o education pipeline through race-conscious lenses.

6.1.1 Taking off the Rose-Tinted Glasses

CRT and LatCrit provide the appropriate lenses to research an apparent racialized pattern in education. Studies based on discipline policies overwhelmingly find a disproportionate pattern of discipline infractions that most affects male students of color. However, previous research did not implement a framework that seeks to understand the role of race and racism and unmask dominant perspectives of color-blindness and objectivity (Parker, Deyhle, & Villenas, 1999).

Working to go beneath the surface of race-unconscious research on discipline policies through CRT and LatCrit, instead of operating from a race-conscious perspective, allowed me to take off the proverbial rose-tinted glasses. By looking more deeply at policies through a critical race theory and LatCrit lens, I am unable to

disconnect the dominant and deficit discourse. I am better able to understand how school discipline-policies are developed, understood, and carried out. Implementing a CRT and LatCrit lens, I am thus able to account for the historical exclusion of Chicanos in education (Donato et al., 1991) and the current political context of Chicano students in Utah.

LatCrit was also key to this study for the ways in which it examines linguistic diversity. Often participants would speak in Spanish during the interviews and discuss Chicana/o ideas or words that do not have direct translations. It was important to both the participants and me not to exclude those phrases and words. Language is so closely tied to identity that it was important to use a theoretical framework that embraced that notion (Johnson & Martinez, 2000).

Additionally, issues of immigration came up with participants either in discussing the state-context and broad sentiment on the topic or in discussing the ways in which others assumed their immigration status based on phenotype and clothing. These are further reasons this framework was necessary. Interviews with former students demonstrated pan-ethnic diversity at the same time the interviewees self-identified as Chicanos (Hernandez-Truyol, 1997; Valdes, 1997). These types of identity-related complexities require a more specific lens that can help researchers understand the significance of phenotype, language, and immigration. Lastly, the reason I coupled CRT with LatCrit was for the ways in which the theory is able to account for cultural nuances among Chicanos, such as the ways in which young Chicanos dress and the cultural attributes and meanings that accompany style (Valdes, 1997). LatCrit provides a space to examine language and immigration and how students experience these to intersected with race and gender.

6.1.2 Utah Disciplinary Portrait: Two School Districts

Two school districts were included in this study, which could yield a large in-depth study on discipline policies, but instead provided two statistical snapshots. As a result of the political and social stigma tied to this area of research, the participating school districts did not provide the same variables or longitudinal data as requested. Instead, what they provided resulted in a more narrow scope to the methodologies employed to answer the following research questions:

1. What is the discipline trend in Utah for Chicano students? How do these trends affect the disproportionate enrollment rates of Chicanos in college?
2. To what extent do disproportionate discipline patterns for Chicano students resemble a school-to-prison pipeline rather than a college-pipeline?
3. How does a critical race theory and LatCrit lens interpret disproportionate discipline patterns and their relationship to college access among Chicano students?

These research questions, guided by CRT and LatCrit, are analyzed through a mixed-method approach. In this way, a wider analysis can be reached to better inform researchers of the policy implications, the descriptive statistics, a logistical regression, and a hierarchical linear model. These statistical methods indicate that there are patterns of disproportional discipline distribution between Chicanos and their White counterparts.

Below I will synthesize the findings from this study by research question. In this way, I hope to address the questions that guided this study based on the data collected and analyzed.

1. What is the discipline trend in Utah for Chicano students? How do these trends affect the disproportionate enrollment rates of Chicanos in college?

Chicanos are twice as likely to receive off- and on-campus suspensions, even though they represent just over 20% of the sample population in this study. Chicano students also experience an increase in discipline infractions, at more than double what White students will after they have initially experienced a discipline infraction of some kind (typically off-campus suspension).

The quantitative analysis also found that Chicano students do not have the same access to more competitive math courses such as calculus or AP courses, which affects their college readiness and access (Solórzano & Ornelas, 2004). These descriptive data are also mirrored in the hierarchical linear model. This HLM model found that AP math courses had a significant relationship to a student's college readiness, whereas discipline infractions had a negative effect on college readiness.

Another significant finding in this study is that race/ethnicity is closely tied to low-income levels. In other words, a student of color is most likely also low income. This is significant statistically and also as a research contribution. Many researchers discuss high rates of disciplinary infractions as a result of students and their low incomes. This argument is made to avoid discussing the role of race/ethnicity in exploring high rates of disciplinary infractions.

The most salient finding in the logistic regression and HLM models is that being a Chicano is one of the most significant indicators of discipline infractions in the logistic model and a negative indicator of college readiness in the HLM model. This supports the patterns laid out in previous research; however, it centers Chicano students in the analysis with a unique context like Utah.

Furthermore, this study also found that there is a significant relationship between the discipline infractions of Chicano students and access to AP math at a significance

level of $p < 0.005$. In other words, students who received discipline infraction were not in AP math courses; conversely, special education students were highly likely to receive discipline infractions. In addition to the influence discipline policies have on access to rigorous courses, they also remove students from instructional settings, leaving students to catch up on work. This structure additionally impacts students who are disciplined.

2. To what extent do disproportionate discipline patterns for Chicano students resemble a school-to-prison pipeline rather than a college-pipeline?

Patterns of disciplinary infractions are evident in the rates of students disciplined in high school, at 29%; contrasted with the rates of students who are pushed-out of schools, 29%; and later within the juvenile justice center in secure detention at 31%. Thirty percent of youth who are later transferred to adult court are Chicano. This rate is consistent with the rate of disciplinary infractions for Chicanos, 29%. These data are not connected formally, but the patterns suggest these two institutions, schools and prisons, are closely tied when referring to Chicanos.

Data suggest a link between schools and prisons; however, discipline patterns point to a school-to-prison pipeline through the ways in which discipline is distributed to students. Students are socialized in schools by many similar practices used within the juvenile and adult incarceration systems. For example, students can be searched at any time if there is reasonable suspicion by school officials that students are participating in illicit activities. This practice exists within juvenile detention centers. Students' bodies and belongings can also be searched at any time if there is reasonable suspicion from facility officials of students participating in illicit activity. These practices speak to what Rios (2009) described as a hypercriminalization of Chicano youth. This process of socialization occurs throughout the education of Chicano youth, and results in youths

who oftentimes internalize the treatment they receive. This pattern of socialization and criminalization was presented in stories shared by Sandino and Oscar. For Chicano students who are disciplined, their educational experience is void of academic prospects or encouragement. Rather, they are primed in a prison-like simulated environment.

3. How does a critical race theory and LatCrit lens interpret disproportionate discipline patterns and their relationship to college access among Chicano students?

Through a CRT and LatCrit lens, I interpret the patterns of discipline infractions as deeply rooted in a historical legacy of exclusion for Chicanos. This interpretation is possible by implementing the tenet that speaks to the endemic nature of race and racism in American culture. There is no clear way to look at the educational experience of Chicanos today, without consideration of historical experiences.

CRT and LatCrit was also helpful as a theoretical lens to contextualize the discipline policies themselves. Often, lawmakers pose their policies as objective, fair, and neutral in an effort to argue their purpose. However, the brief historical analysis presented in this study indicates that the entire process of discipline policy making in Utah is infused with racial bias against Chicano and other youth of color. Without implementing the tenets of CRT and LatCrit, it would not be easy to unweave the ways in which these policies serve to further marginalize youth of color by removing them from school settings entirely.

A significant reason this lens was important to this study is that it seeks to center voices that are typically marginalized and silenced. Chicanos are an underrepresented group, and seldom are sought out for their experiential knowledge. In this study, their experiences and voices are central to the questions and findings. LatCrit is especially

important in that it is concerned with issues of language, immigration, phenotype, and sexuality, all of which have been critical points in the experiences shared for this study.

6.1.3 Revolutionary Voices

The interviews conducted with former students were profound and insightful. Each narrative was as fearless and as powerful as the next. They all discussed the role their families played in their resilience and in encouraging them to pursue their education. When they described their experiences with discipline, they all became emotional to some degree, indicating how deeply these policies affected their sense of self and well-being. The legislator and judge also discussed drawing from their communities and families to pursue and excel in education.

Like Yosso's (2002) work, students in my study described immense cultural and ethnic pride and frequently drew from that cultural wealth for motivation and strength. This pride led Sandino, Cesar, and Oscar to be community activists and youth, immigrant, and Chicano advocates. They all work in various capacities and organizations to reciprocate what they were given by their communities, in an effort to prevent the cycles of discipline, gang membership, or incarceration they experienced. In this way, they are revolutionaries, and their experience serves to inform further policies around school discipline.

The participants described drawing from family and community for resiliency, but they were also aware of how they resisted practices that were harmful to them. All participants described their resistance as self-destructive, but they have since shifted to a more transformative position (Solórzano & Delgado Bernal, 2002) by way of their families and their communities. Another significant theme that arose from the interviews

was the frequency and ways in which school officials operated from a deficit perspective. Deficit views, as Valencia (1997) points out, are inferior and racist perspectives of a group or person and occur when the person with the deficit views operates from a Eurocentric standpoint.

A significant part of getting out of the self-destruction for the participants was by receiving respect from another school official. Students described feeling like a man or a whole person when they were looked in the eye and were spoken to directly as a young adult. They described the way in which they felt respected through classroom pedagogies, or the ways in which students were taught. Students also pointed to the way that respect affected the implementation of school policies. In other words, they suggest school policies and practices that would foster communication and transparency between school administrators and students, as well as student families. In their words, they point to respect, or *respeto*, as a key part of modifying these policies and practices.

6.1.4 CRT Policy Analysis Summary

This policy analysis is a critical race theory policy analysis and seeks to look at discipline policies as they occur in Utah through a race-conscious framework. This is an important way to look at policy for the format that CRT provides: context and history, the interruption of dominant ideologies in policy formation and implementation, and unique, traditionally marginalized voices in the forefront.

The development of discipline policies under zero tolerance was intended to protect students from firearms and drugs; however, the policy as it is implemented now is laden with racial bias and personal interpretation by school officials (Reyes, 2006; Skiba, 2002). Discipline policies within zero tolerance, when analyzed through a critical race

theory lens, are created in an effort to target Chicano students and other students of color, as demonstrated by legislative hearing records.

A critical race theory policy analysis exposes and turns the guise of color-blindness, fairness, and equality on its head, thereby revealing the biased nature of the policy. When the context and history of zero tolerance discipline policies are transparent, and presented with trends and current rates of racial/ethnic discipline distribution, a pattern of racial/ethnic disproportionality emerges (USOE, 2006; UCR, 2006). This questions the alleged fairness and color-blindness of these policies, further exposing the racist nature of disciplinary policies and practices.

These combined theories serve as a methodology and framework for policy analysis in that together they explicitly place traditionally marginalized voices within the policy- making process at the forefront. By centering marginalized narratives, it disrupts traditional, Eurocentric, and dominant policy actor narratives. This critical policy analysis incorporates the voices of a Chicano legislator and a Chicano juvenile judge. These voices are traditionally marginalized in the larger education policy discourse (Alemán, 2006).

6.2 Implications

6.2.1 Implications for Policy

This study has significant implications for policy. By providing an analysis of discipline policy, this study explores the ways in which policies can be designed in a racist manner and target a specific group of people. This study also analyzes discipline policies and makes them transparent for the ways in which they are racially-biased, subjective, unequally distributed, and unfair.

The policy implications of this study call for a reconsideration of the utility and benefits of zero tolerance and other discipline policies. It has been proven in this study and in national research that zero tolerance does not make schools safer; it results in an increase in juvenile justice detention, further resulting in an increase in incarcerated adults in jails and prisons, rather than making schools nonviolent spaces.

6.2.2 Implications for Research

This study offers research implications, in that it calls for centering Chicano students in research and in the larger scholarly discourse. Further understanding Chicano students and what is preventing college readiness works toward eliminating the educational disconnect by shedding light on the problem. Currently, Chicano males are severely underrepresented in high school graduation and college enrollment, which has negative effects on the citizenry if there is not ongoing research to understand their experiences and work toward reversing these problematic trends.

In practical terms, this study also seeks to enhance the interdisciplinary boundaries of CRT and LatCrit by using it to conduct statistical analysis. CRT and LatCrit join mixed-methods analysis and interpretation.

6.2.3 Implications for Practice

With regard to practice, this study points to the ways in which discipline is interpreted and implemented. There is significant discretion in the area of school discipline and very little accountability or reporting. A lack of accountability leads to a low priority for documenting discipline infractions and disaggregating them well. This lack of accountability also leads districts to poor data collection, monitoring, or analysis to better understand the patterns of discipline in schools.

6.2.4 Recommendations

Given our understanding of discipline policies and their effect on Chicano students in participating districts of Utah, the following are recommendations tied to the research implications and that may improve educational conditions for Chicanos:

1. Evaluate the utility and impact of zero tolerance at the school, district, and classroom level.
2. If zero tolerance is not meeting the outcome safety goals, consider ways of reversing the policy.
3. Collect and monitor accurate data for each infraction by race/ethnicity, gender, infraction type, and steps the school took to intervene.
4. Provide data presentations for teachers and school administrators to increase awareness of the problem of disproportionality in discipline.
5. Create a system of communication between families and schools for ongoing discussions of alternatives to off-campus suspensions.
6. Create a data management system that tracks students (within the state) from K-12 through the workforce, juvenile justice center, prison system, military enlistment, and higher education.
7. Create broad intervention student outreach in an effort to prevent discipline infractions proactively.
8. Develop alternatives to punishment that requires students to be removed from instructional settings.
9. Implement research-based efforts and programs.
10. Involve students, community, families, local businesses, and leaders in the dialogues on making schools safer.

11. Do not avoid evaluating discipline data for fear of public stigma or negative press.

These policy and practice recommendations are not exhaustive but they are grounded in research and arise from the findings of this study.

6.2.5 Unanswered Questions: Future Research

This study has attempted to cover as much in the area of disciplinary policies and their impact on the education of Chicanos as possible, but there is much in this area that was not included. I am interested in continuing this area of research in a broader scope; for instance, including data from all districts in a state. This research would also include more variables for each student than was possible in this study.

Another area of future research includes observations of classrooms, student hearings, and disciplinary infractions. Observations as well as interviews with teachers and administrators would help in forming a clearer sense of the extent to which teachers and administrators function as street-level bureaucrats (Lipsky, 1980). Similarly, speaking with current students experiencing discipline would provide a more up-to-date perspective of what students are currently experiencing, rather than in reflection. There is a need for further research in the area of discipline policies and the ways in which they affect Chicano college readiness. An important direction for this research would be a statewide comprehensive study, including all districts and schools. It would be helpful if students had a common identification code that could be connected across multiple institutions such as K-12 schools and colleges for a longitudinal analysis. This would require a data system that is consistent across schools, employment, military participation, and prison systems in order to monitor the school-to-prison pathway

concretely.

Further research is also needed in expanding the student voices, including documentation of the experiences of current K-12 students who have been disciplined recently.

In addition, there are many opportunities to research the role of policy making and the state legislature with regard to the Chicano education pipeline. The Governor's 2020 report speaks to the importance of narrowing the achievement gap between Chicana/o students and White students. The next few years will provide opportunities to study how the legislature is working to narrow that educational achievement gap for Chicanos.

6.3 Conclusions

Discipline policies are problematic in their interpretation and implementation. The policies were created to target students of color. They exclude Chicano students from instructional settings and have detrimental effects on college readiness of Chicanos. Researchers continue to study the impacts and sources of racial bias against students of color. This argues for a reevaluation of the use of zero tolerance and similar punitive punishments in schools for the type of misbehavior that is otherwise known as adolescent behavior.

This study can be used as a starting point for districts and teachers to think about ways to disrupt these educational inequities in discipline policies. This is not a policy problem without remedy. Policies can be edited and amended, if the appropriate policy stakeholders pursue the issue.

While I am left with more questions and an increased concern over the future of Chicano males in education, I believe it is important to continue as a researcher of color,

as a Chicana, and as a *mujer* and to use my position to advance the educational concerns of my community. I recall a conversation I had with one of the former student research participants prior to conducting the interviews. I asked him what he thought about me as a woman writing about a topic that is prevalent within the Chicano community and he replied, "Well, there aren't any of us to write that, so I think you have to." His comment stayed with me, both for how problematic it is that it is an accepted reality that there are very few Chicanos in higher education at the doctoral level (or at any level) – too few to conduct this kind of study, and because it is such an important story to be told that I am humbled to tell a part of it.

APPENDIX A

VARIABLE TABLES

Table A.1 District 1
Variables in District 1 Dataset

Variable	*Variable Type (Width)*	*Value Codes*
Student	Ordinal	Twice-blinded Student Identifiers
Ethnicity	Nominal	(1=Chicano, 0=White)
School	Nominal	Coded School 1-38
Grade	Ordinal	Includes grade 7 to grade 12
Low_Income	Nominal	(1=Yes, 0=No, based on school lunch)
Special_Ed	Nominal	(1=Yes, 0=No, based on class enrollment)
MathClass_07	Ordinal	(1=Math, 2=Pre-Algebra, 3=Algebra, 4=Geometry)
MathClass_08	Ordinal	
Infraction1	Nominal	(1=Zero Tolerance violation, 0=Other violation)
Infraction2	Nominal	(1=Zero Tolerance violation, 0=Other violation)
Infraction3	Nominal	(1=Zero Tolerance violation, 0=Other violation)
ChicanoRep_Sample	Scale	Percentage of Chicanos at school 0.00%-100%)
LowIncomeRep_Sample	Scale	Percentage of low-income students at school 62%-100%)
SpecEdRep_Sample	Scale	Percent of Special Education students at school 17%-100%)
CollegePrep_Math	Nominal	(1=Math is College Prep, 0=Math not College Prep)
Math_Prof	Nominal	(1=CRT Proficiency, 0=Not Proficient in Math CRT)

Table A.2 District 2
Variables in District 2 Dataset

Variable	*Variable Type (Width)*	*Value Codes*
Student	Ordinal	Twice-blinded Student Identifiers
Ethnicity	Nominal	(1=Chicano, 0=White)
School	Nominal	Coded School 404-780, ten schools
Grade	Ordinal	Includes grade 1 to grade 12
Low_Income	Nominal	(1=Yes, 0=No, based on school lunch)
Special_Ed_07	Nominal	(1=Yes, 0=No, based on class enrollment)
MathClass_07	Ordinal	(1=Math, 2=Pre-Algebra, 3=Algebra, 4=Geometry)
Ap_07	Nominal	(1=AP Student, 0=Not AP Student)
Special_Ed_08	Nominal	(1=Yes, 0=No, based on class enrollment)
MathClass_08	Ordinal	(1=Math, 2=Pre-Algebra, 3=Algebra, 4=Geometry)
Ap_08	Nominal	(1=AP Student, 0=Not AP Student)
Infraction_07	Nominal	(0=No Discipline, 1=In school Suspension, 2=Out of school suspension)
Infraction_08	Nominal	
ChicanoRep_Sample	Scale	Percentage of Chicanos at school 0.00%-100%)
LowIncomeRep_Sample	Scale	Percentage of low-income students at school 62%-100%)
SpecEdRep_Sample	Scale	Percent of Special Education students at school 17%-100%)
CollegePrep_Math	Nominal	(1=Math is College Prep, 0=Math not College Prep)
Math_Prof	Nominal	(1=CRT Proficiency, 0=Not Proficient in Math CRT)

APPENDIX B

SCHOOL-TO-PRISON PIPELINE

INSTITUTIONAL DIAGRAM

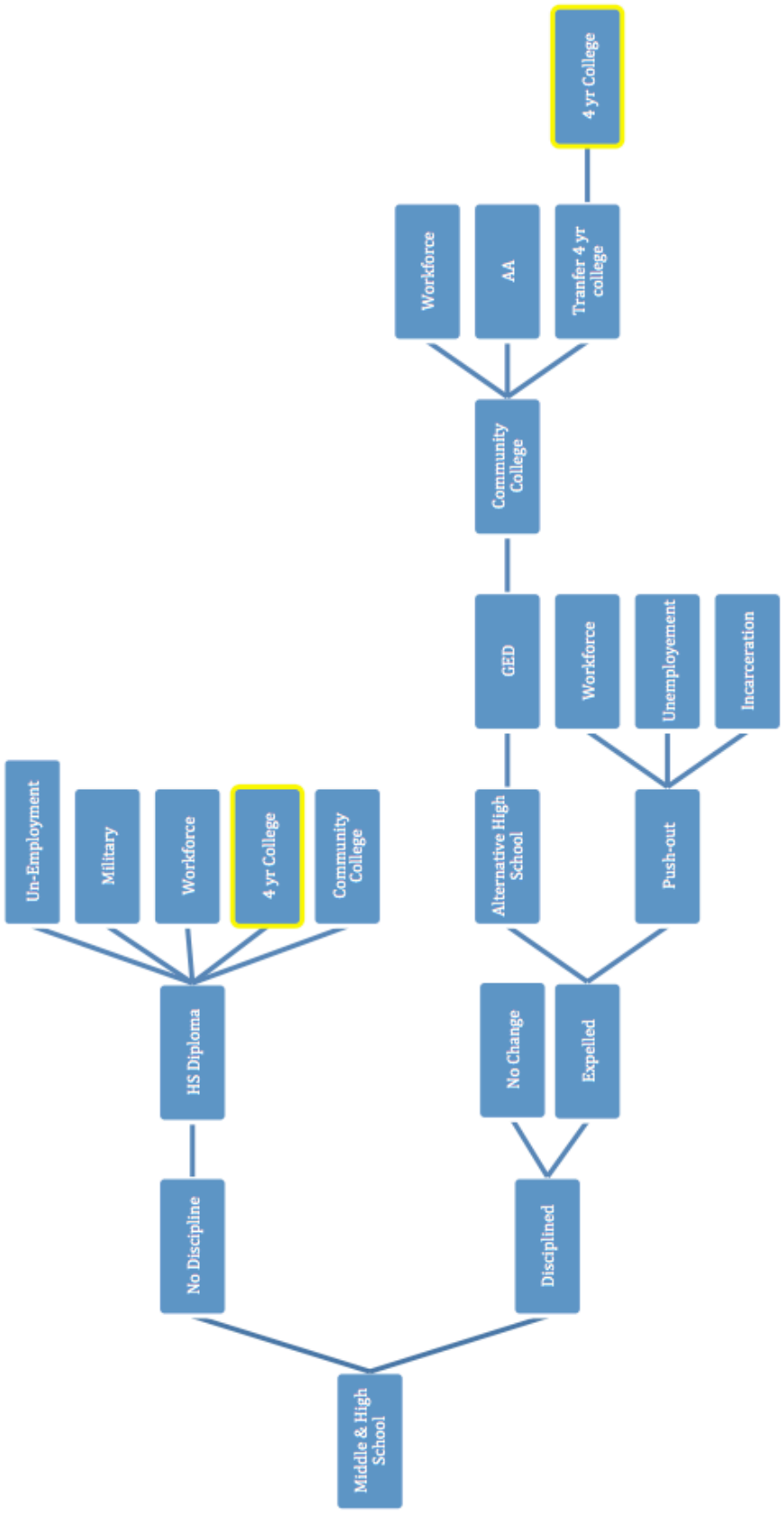

Figure B.1 School-to-Prison Pipeline Institutional Diagram

APPENDIX C

PERCENTAGE ENROLLMENT BY GRADE

FOR CHICANA/O STUDENTS

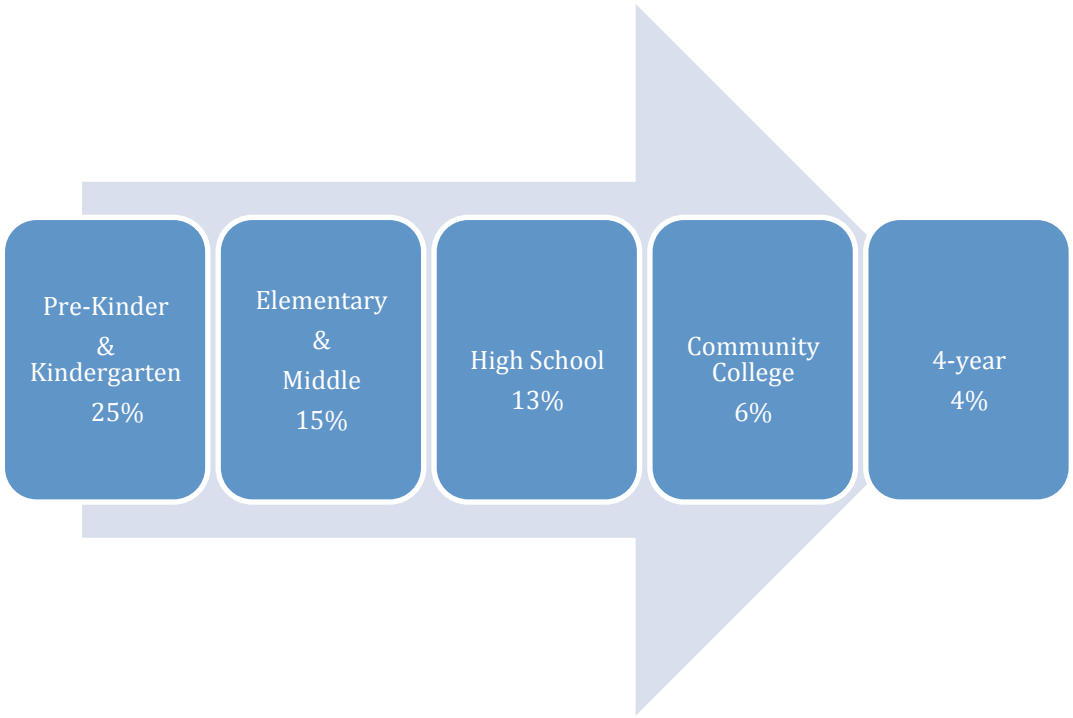

Figure C.1 Percentage Enrollment by Grade for Chicana/o Students
Source: US Census Bureau, 2005-2009 American Community Survey; USHE , 2009.

APPENDIX D

INTERVIEW PROTOCOLS

D.1. Interview Protocol – Former Students

Estimated length of interview 60 minutes

Ice-breaker / opening question-

1) How do you identify racially/ethnically?

   Probes:

   - What impacts how you identify?
   - What role does your identity play in your education?

   Key Questions –

2) What was your overall K-12 educational experience here in Utah like?

   Probes:

   - Did you have mentors?
   - Did you have teachers and/or administrators who looked like you and shared a cultural background?

3) Describe your experience with school discipline policies including zero tolerance, in school suspension and out of school suspension.

   Probes:

   - How did this experience make you feel about yourself?
   - What options did you have during the process of the disciplinary action?

4) To what extent was your educational career and / or status affected by the disciplinary action(s) you faced?

   Probes:

   - Did this process impact your college readiness?
   - How did you feel about school after this experience

5) To what extent do you agree with discipline policies?

   Probes:

   - What are alternative ideas that you propose schools can use rather than out of school punishment?
   - What would you do differently?

D.2 Interview Protocol – Juvenile Judge

Estimated length of interview 60 minutes

Ice-breaker / opening question-

1) Why did you decide to become a juvenile judge?

   Key Questions –

2) Describe your relationship with school districts and school discipline policies.

   Probes:

   - What is the level of discretion you have in implementing policies?
   - Do you feel that school discipline is a key educational issue?

3) How do you determine the punishment for students when they see you for school related discipline infractions?

   Probes:

   - Why are school discipline policies important?
   - Research indicates that punishment for school discipline infractions is far too punitive. What are your thoughts on this?

4) To what extent do you believe school discipline has changed with the population growth of Latina/o to Utah?

Probes:

- Did these population demographics prompt these changes?
- How did you feel these changes in schools?

5) Why do you believe Latino (Male) students are disproportionately represented in disciplinary infractions, juvenile court and detention centers?

Probes:

- Research indicates this is due to racial stereotypes by teachers and administrators. What is your response to this?
- Will this have a larger impact on the future of Utah's economic, social and cultural sustainability?

6) To what extent do you do you think school discipline policies facilitate a relationship with juvenile court and juvenile detention centers?

Probes:

- Research indicates that there is a link between these two. What are your thoughts on this?
- What would you do differently?

D.3 Interview Protocol – Legislator

Estimated length of interview 60 minutes

Ice-breaker / opening question-

1) Why did you decide to become a legislator?

Key Questions –

2) What has led you to be interested in drafting school discipline legislation/policies?

Probes:

- Did you have negative personal experiences with students?
- Do you feel that school discipline is a key educational issue?

3) Describe your thoughts about the role of school discipline policies.

Probes:

- Why are school discipline policies important?
- What do you hope to achieve through school discipline policies?

4) To what extent do you believe school discipline has changed with the population growth of Latina/o to Utah?

Probes:

- Did these population demographics prompt these changes?
- How did you feel these changes in schools?

5) Why do you believe Latino students are disproportionately represented in disciplinary infractions?

Probes:

- Research indicates this is due to racial stereotypes by teachers and administrators. What is your response to this?
- Will this have a larger impact on the future of Utah's economic sustainability?

6) To what extent do you do you think school discipline policies you have drafted facilitate a relationship with juvenile court and juvenile detention centers?

Probes:

- Research indicates that there is a link between these two. What are your thoughts on this?
- What would you do differently?

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